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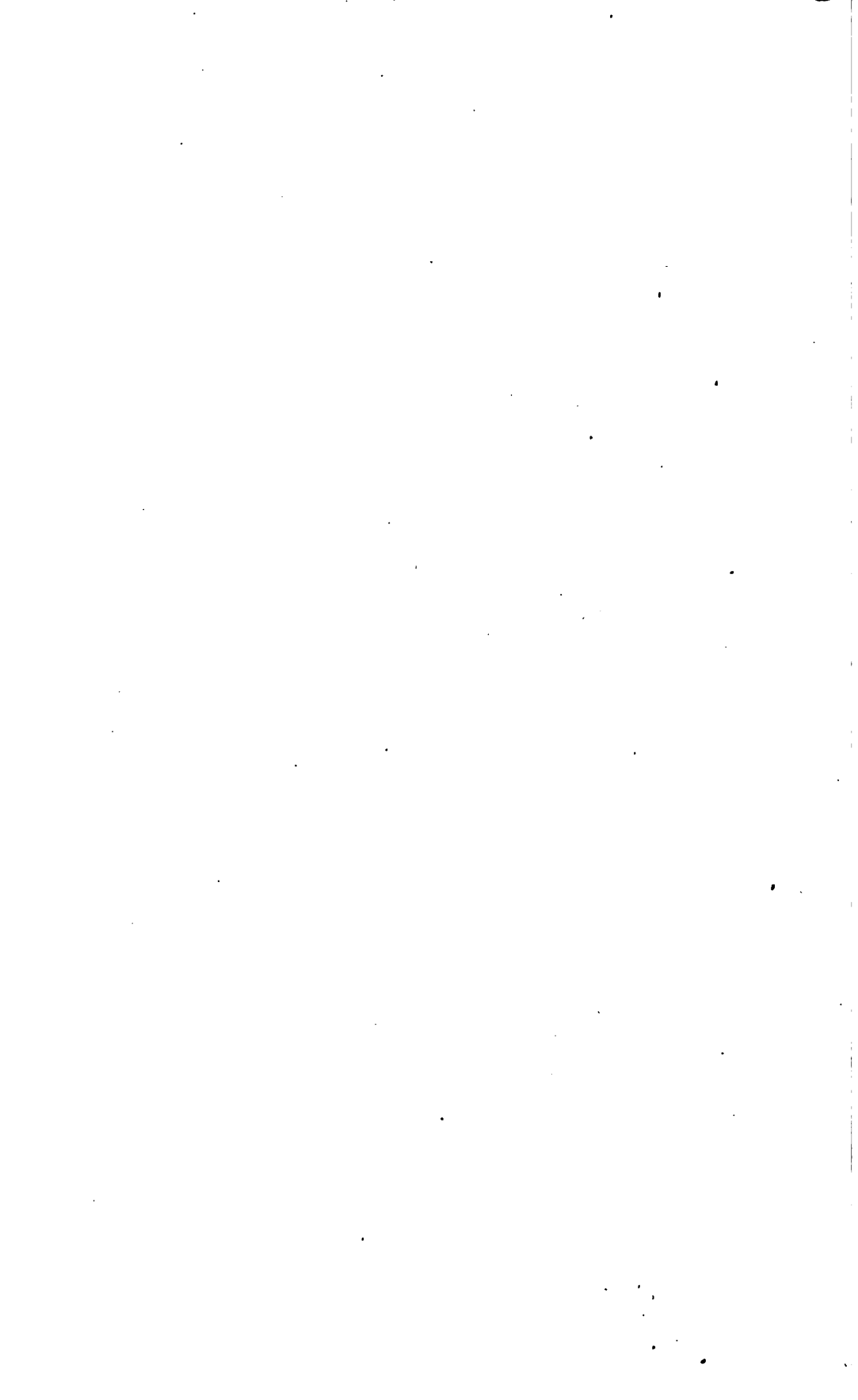
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A
COLLECTION
OF THE
PUBLIC GENERAL STATUTES
PASSED IN THE
FOURTH AND FIFTH YEAR
OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA,
1841.



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A

T A B L E

OF

The PUBLIC GENERAL STATUTES passed in the
FOURTH Session of the THIRTEENTH Parlia-
ment of the United Kingdom of *Great Britain*
and *Ireland*.

4 & 5 VICTORIA.

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THE
PUBLIC GENERAL STATUTES,

4 VICTORIA.

CAP. I.

An Act to settle an Annuity on Lord *Keane*, and the Two next surviving Heirs Male of the Body of the said Lord *Keane* to whom the Title of Lord *Keane* shall descend, in consideration of his great and brilliant Services. [30th *March* 1841.]

Most Gracious Sovereign,

WHEREAS Your Majesty, by Your most gracious Message, hath been pleased to signify that Your Majesty, having taken into consideration the great and brilliant Services performed by *John Lord Keane*, a Lieutenant General in Your Majesty's Army, late Commander of Your Majesty's and the *East India* Company's Forces at the Presidency of *Bombay*, during his Command of the Army engaged in the Expedition to the Westward of the *Indus*, and being desirous to confer some signal Mark of Your Favour, for these and other distinguished Merits, upon the said *John Lord Keane* and the Two next surviving Heirs Male of the Body of the said *John Lord Keane*, recommended to the House of Commons to adopt such Measures as may be necessary for the Accomplishment of this Purpose; therefore we, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of *Great Britain* and *Ireland*, in Parliament assembled, duly considering Your Majesty's gracious Intention, do most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That an annual Payment or Annuity of Two thousand Pounds shall be paid to *John Lord Keane*, a Lieutenant General in Her Majesty's Army, and late Commander of Her Majesty's and the *East India* Company's Forces at the Presidency of *Bombay*, for his natural Life, and to the Two next surviving Heirs Male of the Body of the said *John Lord Keane* who may succeed to the Title of Lord *Keane*, for their natural Lives respectively; and the said annual Payment or Annuity shall be deemed and considered to have commenced and taken effect upon the Eighth Day of *February* One thousand

An Annuity of 2,000*l.* to be paid to *John Lord Keane*, and his Two next Heirs.

eight hundred and forty-one, and the first Payment of a proportionate Part thereof, together with the Quarter ending on the Fifth Day of *April*, shall be made on the Fifth Day of *April* One thousand eight hundred and forty-one, and shall thereafter be paid quarterly; (that is to say,) on the Fifth Day of *July*, the Tenth Day of *October*, the Fifth Day of *January*, and the Fifth Day of *April* in every Year; and the said annual Payment or Annuity shall and may be issuing and payable out of and charged and chargeable upon the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland* (after paying or reserving sufficient to pay all such Sum and Sums of Money as hath or have been directed to be paid out of the same by any former Act or Acts of Parliament, but with preference to all other Payments which shall or may hereafter be charged upon and payable out of the said Fund); and the Acquittance or Acquittances, Receipt or Receipts, of the said Lord *John Keane*, and the Two succeeding Heirs Male of the Body of the said *John Lord Keane* on whom the Title shall descend, or of such other Person or Persons as shall be duly authorized and appointed by the Person for the Time being entitled to such Annuity to receive such annual Payment or Annuity, or any Part thereof, shall be a good and sufficient Discharge for the Payment thereof; and the said annual Payment or Annuity shall be free and clear from all Taxes, Rates, and Assessments, and all other Charges whatsoever.

Treasury to direct Payment of the Annuity.

II. And be it enacted, That it shall be lawful for the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland* for the Time being, and they are hereby authorized and required, by any Warrant under their Hands, to direct the Payment of the said Annuity according to the Provision herein-before contained.

Annuity not to be aliened or encumbered.

III. And be it enacted, That the said annual Payment or Annuity of Two thousand Pounds shall be and the same is by this Act vested in the said *John Lord Keane*, and the Two next succeeding Heirs Male of the Body of the said *John Lord Keane* to whom the said Title of Lord *Keane* shall descend, and the same, or any Part thereof, shall not at any Time or Times hereafter be aliened, conveyed, disposed, charged, or encumbered by the said *John Lord Keane*, or by either of the Two next succeeding Heirs Male of the Body of the said *John Lord Keane* on whom the said Title shall descend, for any greater or larger Estate or Time than during the natural Life of the Person so aliening, conveying, disposing, charging, or encumbering the same, so as to prevent the same from descending to the next or succeeding Heir Male of the Body of the said *John Lord Keane* to whom the said Title of Lord *Keane* shall descend, according to the Limitation aforesaid.

CAP. II.

An Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters.

[30th March 1841.]

‘ WHEREAS the raising or keeping a standing Army within the United Kingdom of *Great Britain and Ireland*, in Time of Peace, unless it be with the Consent of Parliament, is against Law: And whereas it is adjudged necessary by Her Majesty and this present Parliament, that a Body of Forces should be continued, for the Safety of the United Kingdom, the Defence of the Possessions of Her Majesty’s Crown, and the Preservation of the Balance of Power in *Europe*, and that the whole Number of such Forces should consist of Ninety-two thousand and fifty-one Men, exclusive of the Officers and Men belonging to the Regiments employed in the Territorial Possessions of the *East India Company*, but including the Officers and Men of the Troops and Companies recruiting for those Regiments: And whereas no Man can be forejudged of Life or Limb, or subjected in Time of Peace to any Kind of Punishment within this Realm, by Martial Law, or in any other Manner than by Judgment of his Peers, and according to the known and established Laws of this Realm; yet nevertheless it being requisite, for the retaining all the before-mentioned Forces in their Duty, that an exact Discipline be observed, and that Soldiers who shall mutiny or stir up Sedition, or shall desert Her Majesty’s Service, be brought to a more exemplary and speedy Punishment than the usual Forms of the Law will allow:’ Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That if any Person who is or shall be commissioned or in Pay as an Officer, or who is or shall be listed or in Pay as a Non-commissioned Officer or Soldier, shall, at any Time during the Continuance of this Act, begin, excite, cause, or join in any Mutiny or Sedition in Her Majesty’s Land or Marine Forces, or shall not use his utmost Endeavours to suppress the same, or coming to the Knowledge of any Mutiny or intended Mutiny shall not, without Delay, give Information thereof to his Commanding Officer; or shall misbehave himself before the Enemy; or shall shamefully abandon or deliver up any Garrison, Fortress, Post, or Guard committed to his Charge, or which he shall be commanded to defend; or shall compel the Governor or Commanding Officer of any Garrison, Fortress, or Post to deliver up to the Enemy or to abandon the same; or shall speak Words or use any other Means to induce such Governor or Commanding Officer, or others, to misbehave before the Enemy, or shamefully to abandon or deliver up any Garrison, Fortress, Post, or Guard committed to their respective Charge,

Number of the Forces.

Crimes punishable by Death.

or which he or they shall be commanded to defend; or shall leave his Post before relieved, or shall be found sleeping on his Post; or shall hold Correspondence with or give Advice or Intelligence to any Rebel or Enemy of Her Majesty, either by Letters, Messages, Signs, or Tokens, in any Manner or Way whatsoever; or shall treat or enter into any Terms with such Rebel or Enemy without Her Majesty's Licence or Licence of the General or Chief Commander; or shall strike or shall use or offer any Violence against his Superior Officer, being in the Execution of his Office, or shall disobey any lawful Command of his Superior Officer; or shall desert Her Majesty's Service; all and every Person and Persons so offending in any of the Matters before mentioned, whether such Offence shall be committed within this Realm, or in any other of Her Majesty's Dominions, or in Foreign Parts, upon Land or upon the Sea, shall suffer Death or such other Punishment as by a Court-martial shall be awarded.

The ordinary Course of Law not to be interfered with.

II. And be it enacted, That nothing in this Act contained shall be construed to exempt any Officer or Soldier from being proceeded against by the ordinary Course of Law; and any Commanding Officer who shall neglect or refuse, when Application is made to him for that Purpose, to deliver over to the Civil Magistrate any Officer or Soldier accused of any Capital Crime, or of any Violence or Offence against the Person, Estate, or Property of any of Her Majesty's Subjects, which is punishable by the known Laws of the Land, or shall wilfully neglect or refuse to assist the Officers of Justice in apprehending such Offender, shall, upon Conviction thereof in any Prosecution in any of Her Majesty's Courts at *Westminster, Dublin, or Edinburgh*, be deemed to be *ipso facto* cashiered, and shall be utterly disabled to have or hold any Civil or Military Office or Employment within the United Kingdom of *Great Britain and Ireland*, or in Her Majesty's Service, and a Certificate thereof shall be transmitted to the Judge Advocate in *London*; provided that no Person, being acquitted or convicted of any Capital Crime, Violence, or Offence, by the Civil Magistrate, or by the Verdict of a Jury, shall be liable to be punished by a Court-martial for the same otherwise than by cashiering.

Soldiers not to be taken away from the Service for Debts under 30l.

III. And be it enacted, That no Person whatever enlisted into Her Majesty's Service as a Soldier shall be liable to be arrested or taken therefrom, by reason of the Warrant of any Justice or other Process, for not supporting, or for leaving chargeable on any Parish, Township, or Union, any Wife or any Child or Children, or (except in the Case of an Apprentice) on account of any Breach of Contract or Engagement to serve or work for any Employer; and no Person enlisted as a Soldier, or serving as a Non-commissioned Officer or Drummer on the permanent Staff of the disembodied Militia, shall be liable to be taken out of Her Majesty's Service by any Process or Execution whatsoever, other than for some Criminal Matter, unless an Affidavit shall be made by the Plaintiff or some one on his Behalf, for which no Fee shall be taken,
before

before some Judge of the Court out of which such Process or Execution shall issue, or before some Person authorized to take Affidavits in such Courts, of which Affidavit a Memorandum shall, without Fee, be endorsed upon the Back of such Process, that the original Debt for which the Action has been brought or Execution sued out amounts to the Value of Thirty Pounds at least, over and above all Costs of Suit in the Action or Actions on which the same shall be grounded; and any Judge of such Court may examine into any Complaints made by a Soldier, or by his Superior Officer, and by Warrant under his Hand discharge such Soldier without Fee, he being shown to be duly enlisted, and to have been arrested contrary to the Intent of this Act, and shall award reasonable Costs to such Complainant, who shall have for the Recovery thereof the like Remedy as would have been applicable to the Recovery of any Costs which might have been awarded against the Complainant in any Judgment or Execution as aforesaid; provided that any Plaintiff, upon Notice of the Cause of Action first given in Writing to any Soldier, or left at his last Quarters or Place of Residence before such Listing, may file a Common Appearance in any Action to be brought for or upon account of any Debt whatsoever, and proceed therein to Judgment and Outlawry, and have Execution other than against the Body.

IV. And be it enacted, That it shall be lawful for Her Majesty to make Articles of War for the better Government of Her Majesty's Forces, which Articles shall be judicially taken notice of by all Judges and in all Courts whatsoever; and Copies of the same, printed by the Queen's Printer, shall, as soon as conveniently may be after the same shall have been made and established by Her Majesty, be transmitted by Her Majesty's Secretary at War, signed with his own Hand and Name, to the Judges of Her Majesty's Superior Courts at *Westminster*, *Dublin*, and *Edinburgh* respectively, and also to the Governors of Her Majesty's Dominions abroad; provided that no Person within the United Kingdom of *Great Britain* and *Ireland*, or the *British Isles*, shall by such Articles of War be subject to be transported as a Felon, or to suffer any Punishment extending to Life or Limb, except for Crimes which are by this Act expressly made liable to such Transportation or to such Punishment as aforesaid, or shall be subject, with reference to any Crimes made punishable by this Act, to be punished in any Manner which shall not accord with the Provisions of this Act.

The Queen may make Articles of War in conformity with this Act.

V. And be it enacted, That Her Majesty may from Time to Time grant a Commission, under the Royal Sign Manual, for the holding of General Courts-martial within the United Kingdom of *Great Britain* and *Ireland*, in like Manner as has been heretofore used; and that for bringing Offenders against the Articles of War to Justice it shall be lawful for Her Majesty to erect and constitute Courts-martial within the United Kingdom of *Great Britain* and *Ireland*, as well as to grant Her Royal Commissions or Warrants to the Chief Governor or Governors of *Ireland*, the Commander of the Forces, or the Person or Per-

Constitution of Courts-martial.

sons commanding in chief or commanding for the Time being any Body of Her Majesty's Forces, as well within the United Kingdom of *Great Britain* and *Ireland*, and the *British Isles*, as in any of Her Majesty's Garrisons and Dominions or elsewhere beyond the Seas, for convening, as well as for authorizing any Officer under their respective Command not below the Degree of a Field Officer to convene, Courts-martial, as Occasion may require, for the Trial of Offences committed by any of the Forces under their several Command, whether the same shall have been committed before or after such Officer shall have taken upon himself such Command; and any Person subject to this Act, who shall in any of Her Majesty's Dominions or elsewhere commit any of the Offences for which he may be liable to be tried by Courts-martial by virtue of this Act, may be tried and punished for the same in any Part of Her Majesty's Dominions where he may have come after the Commission of the Offence, as if the Offence had been committed where such Trial shall take place.

Composition of
General Courts-
martial.

VI. And be it enacted, That a General Court-martial convened in any Part of the Queen's Dominions, (*Bermuda*, the *Bahamas*, *Saint Helena*, *Africa*, and the *Australian Colonies* excepted,) or in the Settlements of the *East India* Company, shall consist of not less than Thirteen Commissioned Officers; if convened in *Bermuda* or the *Bahamas*, or out of the Queen's Dominions, excepting *Saint Helena*, *Africa*, and the *Australian Colonies*, shall consist of not less than Seven, and in *Saint Helena*, *Africa*, and the *Australian Colonies*, of not less than Five Commissioned Officers; and no Judgment of Death shall pass without the Concurrence of Two Thirds at the least of the Officers present; and the President shall in no Case be the Officer commanding in chief or Governor of the Garrison where the Offender shall be tried, nor under the Degree of a Field Officer, unless where a Field Officer cannot be had, nor in any Case whatsoever under the Degree of a Captain.

Powers of
General Courts-
martial.

VII. And be it enacted, That a General Court-martial may sentence any Soldier to Imprisonment, with or without hard Labour, in any public Prison, or other Place which the Court or the Officer commanding the Regiment or Corps to which the Offender belongs or is attached shall appoint, and may also direct that such Offender shall be kept in solitary Confinement for any Portion or Portions of such Imprisonment, not exceeding One Month at a Time, or Three Months at different Times with Intervals of not less than One Month between such Times in One Year, or of such Imprisonment with hard Labour, or may sentence any Soldier to Corporal Punishment, not extending to Life or Limb, for Immorality, Misbehaviour, and Neglect of Duty; and a General Court-martial may, in addition to any such Punishment as aforesaid, sentence any Offender to Forfeiture of all Advantage as to additional Pay, and Pension on Discharge, which might have otherwise accrued from the Length of his former Service, or to Forfeiture of such Advantage absolutely, whether it might have accrued from past Service

or might accrue from future Service, according to the Nature of the Case; and whensoever any General Court-martial by which any Soldier shall have been tried and convicted of any Offence punishable with Death shall not think the Offence deserving of Capital Punishment, such Court-martial may, instead of awarding a Corporal Punishment or Imprisonment, adjudge the Offender, according to the Degree of the Offence, to be transported as a Felon for Life or for a certain Term of Years, or may sentence him to general Service as a Soldier in any Corps and in any Country or Place which Her Majesty, shall thereupon direct, or may, if such Offender shall have enlisted for a limited Term of Years, sentence him to serve for Life as a Soldier in any Corps which Her Majesty shall please to direct; and the Court may, in addition to any other Punishment, sentence such Offender to forfeit all Advantage as to Increase of Pay, or as to Pension on Discharge, which might otherwise have accrued to such Offender from the Length of his former Service, or to Forfeiture of such Advantage absolutely, whether it might have accrued from past Service or might accrue from future Service, according to the Nature of the Case; provided that in all Cases where a Capital Punishment shall have been awarded by a General Court-martial it shall be lawful for Her Majesty, or, if in the *East Indies*, for the Officer commanding in chief the Forces at the Presidency to which the Offender shall belong, instead of causing such Sentence to be carried into execution, to order the Offender to be transported as a Felon, either for Life or for a certain Term of Years, as shall seem meet to Her Majesty, or, if in the *East Indies*, to the Officer commanding as aforesaid.

VIII. And be it enacted, That every Paymaster or other Commissioned Officer of Her Majesty's Forces, or any Person employed in the Ordnance or Commissariat Department, or in any Manner in the Care or Distribution of any Money, Provisions, Forage, or Stores, who shall embezzle or fraudulently misapply, or be concerned in or connive at the Embezzlement, fraudulent Misapplication, or Damage of any Money, Provisions, Forage, Arms, Clothing, Ammunition, or other Military Stores belonging to Her Majesty's Forces or for Her Use, may be tried for the same by a General Court-martial, which may adjudge any such Offender to be transported as a Felon for Life or for any certain Term of Years, or to suffer such Punishment of Fine, Imprisonment, Dismissal from Her Majesty's Service, and Incapacity of serving Her Majesty in any Office, Civil or Military, as such Court shall think fit, according to the Nature and Degree of the Offence; and every such Offender shall, in addition to any other Punishment, make good at his own Expence the Loss and Damage sustained, which shall have been ascertained by such Court-martial; and the Loss and Damage so ascertained as aforesaid shall be a Debt to Her Majesty, and may be recovered in any of Her Majesty's Courts at *Westminster* or in *Dublin*, or the Court of Exchequer in *Scotland*, or in any Court in Her Majesty's Colonies where a Person sentenced by such

Trial by General Court-martial for Embezzlement.

such Court-martial shall be resident, after the said Judgment shall be confirmed and made known.

Powers of
District or
Garrison
Courts-martial.

IX. And be it enacted, That a District or Garrison Court-martial shall consist of not less than Seven Commissioned Officers, except in *Bermuda*, the *Bahamas*, *Saint Helena*, *Africa*, and the *Australian Colonies*, where it may consist of not less than Five Commissioned Officers, and may sentence any Soldier to any Imprisonment, with or without hard Labour, in any public Prison or other Place which such Court, or the Officer commanding the Regiment or Corps to which the Offender belongs or is attached, shall appoint, and may also direct that such Offender shall be kept in solitary Confinement for any Portion or Portions of such Imprisonment, not exceeding One Month at a Time, or Three Months at different Times with Intervals of not less than One Month between such Times in One Year, or of such Imprisonment with hard Labour, or may sentence any Soldier to Corporal Punishment, not extending to Life or Limb, for Immorality, Misbehaviour, or Neglect of Duty; and such Court may, in addition to either of the said Punishments, sentence a Soldier to Forfeiture of all Advantage as to additional Pay, and to Pension on Discharge, which might have otherwise accrued from the Length of his former Service, or to Forfeiture of such Advantage absolutely, whether it might have accrued from past Service or might accrue from future Service, according to the Nature of the Case, for disgraceful Conduct,

In wilfully maiming or injuring himself, or any other Soldier, at the Instance of such Soldier, with Intent to render himself or such Soldier unfit for Service:

In tampering with his Eyes:

In malingering, feigning Disease, absenting himself from Hospital whilst under Medical Care, or other gross Violation of the Rules of any Hospital, thereby wilfully producing or aggravating Disease or Infirmity, or wilfully delaying his Cure:

In purloining or selling Government Stores:

In stealing any Money or Goods, the Property of a Comrade, of a Military Officer, or of any Military or Regimental Mess:

In producing false or fraudulent Accounts or Returns:

In embezzling or fraudulently misapplying Public Money intrusted to him:

Or in committing any petty Offence of a felonious or fraudulent Nature, to the Injury of or with Intent to injure any Person, Civil or Military:

Or for any other disgraceful Conduct, being of a cruel, indecent, or unnatural Kind:

And such Offender may be further put under Stoppages, not exceeding Two Thirds of his daily Pay, until the Amount be made good of any Loss or Damage arising out of his Misconduct; and if any Soldier shall be convicted of any such disgraceful Conduct, and shall be sentenced to Forfeiture of his Claim to Pension, the Court may further recommend him to be discharged

discharged with Ignominy from Her Majesty's Service; and any such Court shall deprive a Soldier, if convicted of a Charge of habitual Drunkenness, of his Liquor when issued in Kind, or of his Allowance in lieu of Beer or Liquor, or of such Proportion thereof, or of such Portion of his additional or regular Pay, for such Period; not exceeding Two Years, as may accord with Her Majesty's Articles of War, subject to Restoration on subsequent good Conduct; and in addition to any such Punishment the Court may, if it shall think fit, sentence such Offender to Imprisonment or to Corporal Punishment; provided that in all the foregoing Cases the Sentences of a District or Garrison Court-martial shall be confirmed by the General Officer, Governor, or Senior Officer in command of the District, Garrison, Island, or Colony; and the President of every Court-martial, other than a General Court-martial, not being under the Rank of Captain, shall be appointed by the Officer convening such Court-martial; provided that such Court-martial shall not have Power to pass any Sentence of Death or Transportation.

X. And be it enacted, That in Cases of Mutiny and gross Insubordination, or any Offences committed on the Line of March, the Offence may be tried by a Regimental Court-martial, and the Sentence confirmed and carried into execution on the Spot by the Officer in the immediate Command of the Troops, provided that the Sentence shall not exceed that which a Regimental Court-martial is competent to award; and a Regimental Court-martial may try any Soldier for habitual Drunkenness, and may sentence any Soldier to Imprisonment, with or without hard Labour, for any Period not exceeding Forty Days, and to solitary Confinement for any Period not exceeding Twenty Days; and whenever any such Court-martial shall sentence any Soldier to Imprisonment as aforesaid, it may (if it shall think fit) direct that he be kept in solitary Confinement for a certain Portion or Portions of the Period of such Imprisonment: Provided always, that when such Court shall direct the Imprisonment to be part solitary and part otherwise, the whole Period of such Imprisonment, including the solitary Part thereof, shall not exceed Twenty Days, and shall be divided into Periods not exceeding Ten Days each; and a Regimental Court-martial may sentence any Soldier for being drunk when on or for Duty or Parade, or on the Line of March, to be deprived of a Penny a Day of his Pay for any Period not exceeding Thirty Days, in addition to any other Punishment which such Court may award; and any such Court shall deprive a Soldier if convicted of a Charge of habitual Drunkenness, of his Liquor when issued in Kind, or of his Allowance in lieu of Beer or Liquor, or of such Proportion thereof, or of such Portion of his additional or regular Pay, for such Period, not exceeding Six Months, as may accord with Her Majesty's Articles of War, subject to Restoration on subsequent good Conduct.

Regimental
Courts-martial.

XI. And be it enacted, That every Soldier who shall be found guilty of Desertion by a General, or District, or Garrison Court-martial, where such Findings shall be duly approved, or

Forfeiture of
Pay and Pen-
sion by Deser-
tion; and
of

marking a
Desertor.

of Felony in any Court of Civil Judicature, in the United Kingdom, or of any Crime or Offence in any Court of Civil or Criminal Judicature in any Dominion, Territory, Colony, Settlement, or Island belonging to or occupied by Her Majesty out of the United Kingdom, which would if committed therein be Felony, shall thereupon forfeit all Advantage as to additional Pay, and to Pension on Discharge, which might have otherwise accrued from the Length of his former Service, in addition to any Punishment which such Court may award; and it shall be lawful for any Court-martial empowered to try the Crime of Desertion, in addition to any other Punishment, to direct that the Offender be marked on the Left Side, Two Inches below the Arm-pit, with the Letter (D.), such Letter not to be less than an Inch long, and to be marked upon the Skin with some Ink or Gunpowder, or other Preparation, so as to be visible and conspicuous, and not liable to be obliterated.

Powers of a
Detachment
Court-martial.

XII. And be it enacted, That it shall be lawful for any Officer commanding any District, Detachment, or Portion of Her Majesty's Troops, which may at any Time be serving out of Her Majesty's Dominions, upon Complaint made to him of any Offence committed against the Property or Person of any Inhabitant of or Resident of any such Countries, by any Person serving with or belonging to Her Majesty's Armies, being under the immediate Command of any such Officer, to summon and cause to assemble a Court-martial, which shall consist of not less than Three Officers, for the Purpose of trying any such Person, notwithstanding any such Officer shall not have received any Warrant empowering him to assemble Courts-martial; and every such Court-martial shall have the same Powers in regard to summoning and examining Witnesses, Trial of and Sentence upon Offenders, as are granted by this Act to General Courts-martial; provided that no Sentence of any such Court-martial shall be executed until the General commanding in chief the Army to which the Division, Brigade, Detachment, or Party to which any Person so tried, convicted, and adjudged to suffer Punishment shall belong shall have approved and confirmed the same.

Mixture of
Officers upon
Courts-martial.

XIII. And be it enacted, That in certain Cases, where it may be necessary or expedient, Officers of Her Majesty's Marine Forces may sit upon Courts-martial in conjunction with Officers of Her Majesty's Land Forces, and such Courts-martial shall be regulated, to all Intents and Purposes, in like Manner as if they were composed of Officers of the Land Forces only, whether the Commanding Officer by whose Order such Court-martial is assembled belongs to the Land or to the Marine Forces; and Officers of Her Majesty's Land Forces and Officers in the Service of the *East India* Company, when serving together, may be associated in Courts-martial, which shall to all Intents and Purposes be regulated in like Manner as if consisting wholly of Officers of Her Majesty's Land Forces, or wholly of Officers in the Service of the *East India* Company; save and except that on the Trial of any Person in Her Majesty's

jesty's Land Forces the Provisions of this Act, and the Oaths thereby prescribed, shall be applicable; and that on the Trial of any Person belonging to Her Majesty's Marine Forces, the Provisions of an Act passed in the present Session of Parliament for the Regulation of Her Majesty's Royal Marine Forces while on Shore, and the Oaths thereby prescribed, shall be applicable; and on the Trial of any Officer or Soldier in the Service of the *East India* Company the Provisions of an Act passed in the Third and Fourth Years of the Reign of Her present Majesty, to amend the Laws for punishing Mutiny and Desertion of Officers and Soldiers in the Service of the *East India* Company, and the Oaths thereby prescribed, shall be applicable, notwithstanding any Officer in the actual Service of the said Company may have a Commission from Her Majesty or from His late Majesty King *William* the Fourth.

XIV. And be it enacted, That all General and other Courts-martial shall have Power and Authority and are hereby required to administer an Oath to every Witness or other Person who shall be examined before such Court in any Matter relating to any Proceedings before the same.

Power to administer Oaths.

XV. And be it enacted, That in all Trials by General Courts-martial to be held by virtue of this Act the President and every Member assisting at such Trial, before any Proceeding be had thereon, shall take the Oath in the Schedule to this Act annexed before the Judge Advocate or his Deputy, or Person officiating as such, and on Trials by other Courts-martial before the President of such Court, who are hereby respectively authorized to administer the same, and any sworn Member shall administer the Oath to the President; and as soon as the said Oaths shall have been administered to the respective Members, the President of the Court is hereby authorized and required to administer to the Judge Advocate, or the Person officiating as such, the Oath in the Schedule to this Act annexed; and no Proceeding or Trial shall be had upon any Offence but between the Hours of Eight of the Clock in the Morning and Four in the Afternoon, except in Cases which require an immediate Example, and except in the *East Indies*, where such Proceedings or Trial may be had between the Hours of Six in the Morning and Four in the Afternoon: Provided also, that all Witnesses duly summoned by the Judge Advocate, or the Person officiating as such, or by the President of a District or Garrison Court-martial, shall, during their necessary Attendance in such Courts, and in going to and returning from the same, be privileged from Arrest, and shall, if unduly arrested, be discharged by the Court out of which the Writ or Process issued by which such Witness was arrested, or if such Court be not sitting, then by any Judge of the Court of Queen's Bench in *London* or in *Dublin*, or the Court of Session in *Scotland*, or Courts of Law in the *East* or *West Indies* or elsewhere, according as the Case shall require, upon its being made to appear to such Court or Judge, by any Affidavit in a summary Way, that such Witness was arrested in going to or returning from or attending upon such Court-martial;

Proceedings of Courts-martial.

tial; and that all Witnesses so duly summoned as aforesaid who shall not attend on such Courts, or attending shall refuse to be sworn, or, being sworn, shall refuse to give Evidence or to answer all such Questions as the Court may legally demand of them, shall be liable to be attached in the Court of Queen's Bench in *London* or *Dublin*, or the Court or Session, or Sheriff Depute or Stewarts Depute, or their respective Substitutes, within their several Shires and Stewartries in *Scotland*, or Courts of Law in the *East* or *West Indies*, or in any of Her Majesty's Colonies, Garrisons, or Dominions in *Europe* or elsewhere respectively, upon Complaint made, in like Manner as if such Witness had neglected to attend in a Trial in any Proceeding in that Court.

Appeal

XVI. And be it enacted, That no Officer or Soldier, being acquitted or convicted of any Offence, shall be liable to be tried a Second Time by the same or any other Court-martial for the same Offence, unless in the Case of an Appeal from a Regimental to a General Court-martial; and that no Finding, Opinion, or Sentence given by any Court-martial, and signed by the President thereof, shall be liable to be revised more than once; and no Witness shall be examined nor shall any additional Evidence be received by the Court on such Revision.

Report of Proceedings of General, District, or Garrison Courts-martial.

XVII. And be it enacted, That every Judge Advocate or Person officiating as such at a General Court-martial, or the President of any District or Garrison Court-martial, is required to transmit, with as much Expedition as the Opportunity of Time and Distance of Place can admit, the original Proceedings and Sentence thereof to the Judge Advocate General in *London*, in whose Office they shall be carefully preserved; and any Person tried by a General Court-martial, or any Person in his Behalf, shall be entitled, on Demand, to a Copy of such Sentence and Proceedings (paying reasonably for the same), whether such Sentence shall be approved or not, at any Time not sooner than Six Months if the Trial took place at *Gibraltar* or in the *Mediterranean*, Three Months if at any other Station within *Europe*, and Twelve Months if elsewhere in Her Majesty's Dominions; provided that such Demand as aforesaid shall have been made within the Space of Three Years from the Date of the Approval or other final Decision upon the Proceedings before such General Court-martial.

Transportation from the United Kingdom.

XVIII. And be it enacted, That whenever Her Majesty shall intend that any Sentence of Transportation heretofore or hereafter passed by any Court-martial shall be carried into execution for the Term specified in such Sentence, or for any shorter Term, or shall be graciously pleased to commute as aforesaid to Transportation any Sentence of Death passed by any such Court, the same, together with Her Majesty's Pleasure thereupon, shall be notified in Writing by the Officer commanding in chief Her Majesty's Forces in *Great Britain* and *Ireland*, or in the temporary Absence of such Officer by the Adjutant General, or when there shall not be any Commander-in-Chief of Her Majesty's Forces in *Great Britain* and *Ireland*, then by the Secretary

tary at War or his Deputy, to any Judge of the Queen's Bench, Common Pleas, or Exchequer in *England* or *Ireland*, and thereupon such Judge shall make an Order for the Transportation of such Offender in conformity with such Notification, and shall also do all such other Acts consequent upon the same as such Judge is authorized to do by any Act in force touching the Transportation of other Offenders; and the Person in whose Custody such Offender shall at that Time be, and all other Persons whatsoever whom the said Order may concern, shall be bound to obey and shall be assistant in the Execution thereof, and shall be liable to the same Punishment for Disobedience, or for interrupting the Execution of the same, as if the Order had been made under the Authority of any such Act as aforesaid; and every Person so ordered to be transported shall be subject to every Provision made by Law and in force concerning Persons convicted of any Crime, and under Sentence of Transportation; and from the Time when such Order of Transportation shall be made every Act in force touching the Escape of Felons, or their afterwards returning, or their being at large without Leave, shall apply to such Offender, and to all Persons aiding and abetting, contriving, or assisting in any Escape or intended Escape or the returning without Leave of any such Offender; and the Judge who shall make any Order of Transportation as aforesaid shall direct the Notification of Her Majesty's Pleasure, and his own Order made thereupon, to be filed and kept of Record in the Office of the Clerk of the Crown of the Court of Queen's Bench; and the said Clerk shall have a Fee of Two Shillings and Sixpence only for filing the same, and shall, on Application, deliver a Certificate in Writing (not taking more than Two Shillings and Sixpence for the same) to such Offender, or to any Person applying in his or Her Majesty's Behalf, showing the Christian and Surname of such Offender, his Offence, the Place where the Court was held before whom he was convicted, and the Conditions on which the Order of Transportation was given; which Certificate shall be sufficient Proof of the Conviction and Sentence of such Offender, and also of the Terms on which such Order for his Transportation was given, in any Court and in any Proceeding wherein it may be necessary to inquire into the same.

XIX. And be it enacted, That whenever any Sentence of Transportation heretofore or hereafter passed by any Court-martial holden in the *East Indies*, or in any Part of Her Majesty's Foreign Dominions, is to be carried into execution for the Term specified in such Sentence or for any shorter Term, or when Sentence of Death has been or shall as aforesaid be commuted to Transportation, the same shall be notified by the Officer commanding in chief Her Majesty's Forces at the Presidency or Station, or in his Absence by the Adjutant General for the Time being, to some Judge of one of the Supreme Courts of Judicature in the *East Indies*, or Chief Justice, or some other Judge, as the Case may be, in any Part of Her Majesty's Foreign Dominions, who shall make Order for the Transportation or inter-

Transportation
from the Colo-
nias.

intermediate Custody of such Offender, in like Manner as for the Transportation or intermediate Custody of any other Convict; and the necessary Proceedings shall be taken, according to such Order, for the Transportation or intermediate Custody of such Offender; and all Acts in force in such Place touching other Offenders to be transported shall in all respects apply as well to the Offender himself so to be transported as to all other Persons whatsoever therein concerned.

Offenders against former Mutiny Acts may be tried under this Act.

XX. And be it enacted, That all Crimes and Offences which have been committed against any former Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters, or against any of the Articles of War made and established by virtue of the same, may, during the Continuance of this Act, be inquired of and punished in like Manner as if they had been committed against this Act; and every Warrant for holding any Court-martial under any former Act shall remain in full Force notwithstanding the Expiration of such Act, and all Proceedings of any Court-martial upon any Trial begun under the Authority of such former Act shall not be discontinued by the Expiration of the same; provided that no Person shall be liable to be tried and punished for any Offence against any of the said Acts or Articles of War which shall appear to have been committed more than Three Years before the issuing of the Commission or Warrant for such Trial, unless the Person accused, by reason of his having absented himself, or of some other manifest Impediment, shall not have been amenable to Justice within that Period, in which Case such Person shall be liable to be tried at any Time not exceeding Two Years after the Impediment shall have ceased.

Subsequent Enlistment no Protection from Punishment for Desertion.

XXI. And be it enacted, That every Soldier shall be liable to be tried and punished for Desertion from any Corps into which he may have enlisted, or from Her Majesty's Service, although he may of right belong to the Corps from which he shall have originally deserted; and if such Person shall be claimed as a Deserter by the Corps to which he originally belonged, and be tried as a Deserter therefrom, or shall be tried as a Deserter from any other Corps into which he may have enlisted, or if he shall be tried while actually serving in some Corps for Desertion from any other Corps, every Desertion previous or subsequent to that for which he shall be under Trial, as well as every previous Conviction for any other Offence, may be given in Evidence against him; and in like Manner in the Case of any Soldier tried for any Offence whatever, any previous Convictions may be given in Evidence against him; provided that no such Evidence shall in any Case be received until after the Prisoner shall have been found guilty of such Offence, and then only for the Purpose of affixing Punishment; and provided also, that after he shall so have been found guilty, and before such Evidence shall be received, it shall be proved to the Satisfaction of the Court that he had previously to his Trial received Notice of the Intention to produce such Evidence

on the same; and provided further, that the Court shall in no Case award to him any greater or other Punishment or Punishments than may by this Act and by the Articles of War be awarded for the Offence of which he shall so have been found guilty.

XXII. And be it enacted, That it shall be lawful for the Constable of any Place where any Person reasonably suspected to be a Deserter shall be found, or of any adjoining Place, and if no such Constable can be immediately met with, then for any Officer or Soldier in Her Majesty's Service, to apprehend or cause such suspected Person to be apprehended, and to cause him to be brought before any Justice living in or near such Place, and acting for the same or any adjoining County, who hath hereby Power to examine such suspected Person; and if by his Confession, or the Testimony of One or more Witnesses upon Oath, or by the Knowledge of such Justice, it shall appear that such suspected Person is a Soldier, and ought to be with the Corps to which he belongs, such Justice shall forthwith cause him to be conveyed to some public Prison in such Place, or if there be no public Prison in such Place, then, at the Discretion of such Justice of the Peace, to the nearest or most convenient public Prison in the same or any next adjoining County, or to the Provost Marshal in case such Deserter shall be apprehended within the City or Liberties of *Dublin* or Places adjacent; or if such Deserter shall be apprehended by any Party of Soldiers of his own Regiment, or shall be apprehended in the Vicinity of the Head Quarters, or of any Depôt of the Regiment to which he shall belong, then such Justice may deliver such Deserter to the Party of his Regiment, or may order such Deserter to be taken to the Head Quarters or Depôt of the Regiment to which he shall belong, instead of committing him to Prison; and such Justice shall transmit an Account thereof, in the Form prescribed in the Schedule annexed to this Act, to the Secretary at War, specifying at the Foot thereof the Commitment to Prison or Delivery of such Deserter to the Party of his Regiment in order for his being taken to the Head Quarters or Depôt of his Regiment, as the Case may be, to the end that such Person may be removed by an Order from the Office of the said Secretary at War, and proceeded against according to Law; and such Justice shall also send to the Secretary at War a Report, stating the Names of the Persons by whom the Deserter was apprehended and secured; and the Secretary at War shall transmit to such Justice an Order for the Payment to such Persons of such Sum, not exceeding Forty Shillings, as the Secretary at War shall be satisfied they are entitled to, according to the true Intent and Meaning of this Act: Provided also, that the Fee or Reward taken by any Justice or his Clerk, in respect of any Information, Commitment, or Report as aforesaid, shall in no Case exceed the Sum of Two Shillings.

Apprehension
of Deserters.

XXIII. And be it enacted, That any Person who shall voluntarily deliver himself up as a Deserter from Her Majesty's

Fraudulent
Confession of
Desertion.

Authorities in relation to such Pentagon, and to the Officers exclusively belonging thereto, and to the Soldiers confined therein, as the Governor of the said Penitentiary shall perform and exercise in relation to the other Pentagons, Officers, and Prisoners in the said Penitentiary, any thing in any Act to the contrary notwithstanding; subject nevertheless to such peculiar Regulations as the said Superintending Committee, with the Approbation of One of the Principal Secretaries of State, may from Time to Time make in relation to such Pentagon, and to the Superintendent and Officers thereof, and to the Soldiers confined therein: Provided always, that nothing herein contained shall prevent any Soldier confined in the said Pentagon from being taken to the Chapel or Infirmary of the said Penitentiary.

Custody and Subsistence of Deserters.

XXX. And be it enacted, That the Gaoler or Person having the immediate Inspection of any Prison, Gaol, or House of Correction in every Part of Her Majesty's Dominions shall diet and supply every Soldier with Fuel and other Necessaries according to the Regulations of the Prison to which he shall be committed, and shall receive on account of every Soldier, during the Period of his Imprisonment, Sixpence *per Diem*, which the Secretary at War shall cause to be issued out of the Subsistence of such Soldier, upon Application in Writing signed by any Justice within whose Jurisdiction such Place of Confinement shall be locally situated, together with a Copy of the Order of Commitment, and which Sum of Sixpence *per Diem* shall be carried to the Credit of the Fund from which the Expence of such Prison or House of Correction is defrayed; and such Gaoler is hereby required to receive and confine every Deserter who shall be delivered into his Custody by any Soldier conveying such Deserter under lawful Authority, on Production of the Warrant of the Justice of the Peace on which such Deserter shall have been taken, or some Order from the Office of the Secretary at War, which Order shall continue in force until the Deserter shall have arrived at his Destination, and such Gaoler shall be entitled to One Shilling for the safe Custody of the said Deserter while halted on the March, and to such Subsistence for his Maintenance as shall be directed by Her Majesty's Regulations.

Notice of Expiration of Imprisonment.

XXXI. And be it enacted, That every Gaoler to whom any Notice shall have been given that any Person in his Custody for any Offence is a Soldier liable to serve Her Majesty on the Expiration of his Imprisonment, shall give One Month's Notice of the Period of such Expiration of Imprisonment, or if there shall not be sufficient Time for a Month's Notice, then the longest practicable Notice thereof, to the Secretary at War.

Persons subject to this Act.

XXXII. And be it enacted, That all the Provisions of this Act shall apply to all Persons employed on the Recruiting Service receiving Pay in respect of such Service, and to the Forces of the *East India Company*, while they shall be in any Part of the United Kingdom, and to the Officers and Persons who are or shall be serving and hired to be employed in the Royal Artillery and Field Train, and to Master Gunners and Gunners, and Conductors of Stores, and to all Officers and Persons who
are

are or shall be serving in the Regiment of Royal Engineers and the Corps of Royal Sappers and Miners, and in the Corps of Royal Military Surveyors and Draftsmen, and to Persons in the Ordnance and in the Commissariat Departments, who are or shall be serving with any Part of Her Majesty's Forces, at home or abroad, under the Command of any Officer having Commission from Her Majesty, or from His late Majesty King *William* the Fourth, and to all Storekeepers and other Civil Officers who are or shall be employed by or act under the Ordnance at any of Her Majesty's Ordnance Establishments at Foreign Stations; provided that nothing in this Act contained shall extend to affect any Security which has been given by such Storekeeper, Barrack Master, or other Officer, or their Sureties, for the due Performance of their respective Offices, under the Provisions of an Act passed in the Fiftieth Year of the Reign of His Majesty King *George* the Third, to regulate the taking of Securities in all Offices, but that such Bonds and other Securities shall be and remain in full Force and Effect.

XXXIII. And be it enacted, That all Officers and Soldiers of any Troops, being mustered and in Pay, which shall be raised and serving in any of Her Majesty's Dominions Abroad, or in Places in Possession of or occupied by Her Majesty's Subjects, under the Command of any Officer having any Commission immediately from Her Majesty, shall be liable to Martial Law in like Manner as Her Majesty's other Forces are; and if such Officers and Soldiers, having been made Prisoners, be sent into *England* or *Ireland*, although not allowed to serve therein, all the Provisions of this Act in regard to billeting Soldiers shall apply to such Officers and Soldiers.

Foreign Troops
in this Country.

XXXIV. And be it enacted, That nothing in this Act contained shall in anywise be construed to extend to any of the Militia Forces or Yeomanry or Volunteer Corps in *Great Britain* or *Ireland*, excepting only in such Cases wherein, by any Act or Acts for regulating any of the said Forces or Corps, the Provisions contained in any Act for punishing Mutiny and Desertion shall be specifically made applicable to the said Corps.

Militia and
Yeomanry.

XXXV. And be it enacted, That this Act shall be construed to extend to the Islands of *Jersey*, *Guernsey*, *Alderney*, *Sark*, and *Man*, and the Islands thereto belonging, as to the Provisions therein for enlisting of Recruits, whether Minors or of full Age, and swearing and attesting such Recruits, and for mustering and paying, and to the Provisions for the Trial and Punishment of Officers and Soldiers who shall be charged with Mutiny and Desertion, or any other of the Offences which are by this Act declared to be punishable by the Sentence of a Court-martial, and also to the Provisions which relate to the Punishment of Persons who shall conceal Deserters, or shall knowingly buy, exchange, or otherwise receive any Arms, Clothes, Military Furniture, or Regimental Necessaries from any Soldier or Deserter, or who shall cause the Colour of any such Clothes to be changed, and also as to the Exemption from Arrest for Debts under Thirty Pounds of Soldiers in the said Islands.

Act to extend
to Jersey,
Guernsey, &c.

Enlisting and
swearing of
Recruits.

XXXVI. And be it enacted, That every Person who shall receive Enlisting Money from any Person employed in the Recruiting Service, he being an Officer, Non-commissioned Officer, or an attested Soldier, shall be deemed to be enlisted as a Soldier in Her Majesty's Service, and while he shall remain with the Recruiting Party shall be entitled to be billeted; and every Person who shall enlist any Recruit shall first ask the Person offering to enlist whether he does or does not belong to the Militia, and shall cause to be taken down in Writing, the Name and Place of Abode of such Recruit, and (if such Recruit shall not reside in or in the Vicinity of the Town or Place where he offered to enlist) the Place also at which he shall declare that he intends to sleep, in order that within Forty-eight but not sooner than Twenty-four Hours, (any intervening *Sunday* not included,) after his having received the Enlisting Money, Notice of his having so enlisted be given to the Recruit or left at his usual Place of Abode, or at the Place where he stated that it was his Intention to sleep; and when any Person shall be enlisted as a Soldier in Her Majesty's Land Service he shall within Four Days, (any intervening *Sunday* not included,) but not sooner than Twenty-four Hours after such Enlisting, appear, together with some Person employed in the Recruiting Service of the Party with which he shall have enlisted, before a Justice, or, in *Scotland*, before any Baillie of a Royal Burgh, residing within the Vicinity of the Place, and acting for the Division or District where such Recruit shall have been enlisted, and not being an Officer in the Army; and if such Recruit shall declare his having voluntarily enlisted, the said Justice shall put to him the several Questions contained in the Schedule to this Act annexed, and shall record or cause to be recorded in Writing his Answers thereunto; and the said Justice is hereby required forthwith to cause the Answers so recorded in Writing, and the First and Second Articles of the Second Section of the Articles of War against Mutiny and Desertion, to be read over in his own Presence to such Recruit, and to administer to such Recruit the Oath in the Schedule to this Act annexed for limited or unlimited Service, or for Service in the Forces of the *East India* Company, as may be applicable to the Case of the Recruit, and no other Oaths, any thing in any Acts to the contrary notwithstanding; and the said Justice is hereby required to give, under his Hand, the Certificate in the Schedule to this Act annexed; and if any such Recruit so to be certified shall refuse to take the Oath in the Schedule to this Act annexed before the said Justice, it shall be lawful for the Officer or Non-commissioned Officer with whom he enlisted to detain and confine such Person until he shall take the said Oath of Fidelity.

Dissent and
Relief from
Enlistment.

XXXVII. And be it enacted, That any Recruit appearing as aforesaid before such Justice shall be at liberty to declare his Dissent to such Enlisting, and upon such Declaration, and returning the Enlisting Money, and also paying the Sum of Twenty Shillings for the Charges expended upon him, together with the full Amount of Subsistence and Beer Money which shall

shall have been paid to such Recruit subsequent to the Period of his having been enlisted, shall be forthwith discharged and set at liberty in the Presence of such Justice; but if such Person shall refuse or neglect, within the Space of Twenty-four Hours after so declaring his Dissent, to return and pay such Money as aforesaid, he shall be deemed and taken to be enlisted as if he had given his Assent thereto before the said Justice: Provided also, that it shall be lawful for any Justice to discharge any Person who shall have hastily enlisted, and who shall apply to him to declare his Dissent within such Four Days as aforesaid, upon Payment of the Sum of Money required to be paid by any Recruit declaring his Dissent under this Act, notwithstanding no Person belonging to the Recruiting Party shall be with the Recruit, if it shall appear to such Justice, upon Proof to his Satisfaction, that the Recruiting Party has left the Place where such Recruit was enlisted, or that the Recruit could not procure any Person belonging to such Party to go with him before the Justice; and the Sum paid by such Recruit upon his Discharge shall be kept by the Justice, and paid to any Person belonging to the Recruiting Party entitled thereto demanding the same; provided that no Recruit who has been actually, though erroneously, discharged by the Justice before the Expiration of Twenty-four Hours after the Time of his Enlistment, shall be liable on that Account to be proceeded against as having deserted from Her Majesty's Service; and the Justice who shall discharge any Recruit shall in every Case give a Certificate thereof, signed with his Hand, to the Recruit, specifying the Cause thereof.

XXXVIII. And be it enacted, That if any Recruit shall receive the Enlisting Money from any Person employed in the Recruiting Service (knowing it to be such), and shall abscond or refuse to go before such Justice, or shall thereafter absent himself from the Recruiting Party or Person with whom he enlisted, and shall not voluntarily return to go before some Justice within such Period of Four Days as aforesaid, such Recruit shall be deemed to be enlisted and a Soldier in Her Majesty's Service, as fully to all Intents and Purposes as if he had been duly attested, and may be apprehended and punished as a Deserter, or for being absent without Leave, under any Articles of War made for Punishment of Mutiny and Desertion; and such Recruit shall not be discharged by any Justice of the Peace after the Expiration of such Four Days as aforesaid, unless it shall be proved to the Satisfaction of such Justice that the true Name and Residence of the Recruit were disclosed and known to the Recruiting Party, and that no Notice was given to the Recruit, or left at his usual Place of Abode, of his having so enlisted; provided that in every Case wherein any Recruit shall have received Enlisting Money, and shall have absconded from the Party, so that it shall not be possible immediately to apprehend and bring him before a Justice, the Officer or Non-commissioned Officer commanding the Party shall produce to the Justice before whom the Recruit ought

Offences connected with Enlistment.

regularly to have been brought for Attestation a Certificate of the Name and Place of Residence of such Recruit; and the Justice to whom such Certificate shall be produced shall, after satisfying himself that the Recruit who had absconded cannot be found and apprehended, transmit a Duplicate thereof to Her Majesty's Secretary at War, in order that, in the event of such Recruit being afterwards apprehended and reported as a Deserter, the Facts of his having received Enlisting Money, and having absconded after having been enlisted, may be ascertained, before he be finally adjudged to be a Deserter; and any Recruit who shall enlist into Her Majesty's Forces, and who shall be discovered to be incapable of active Service by reason of any Infirmary concealed or not declared by such Recruit before the Justice at the Time of his Attestation, may be transferred to any Garrison or Veteran or Invalid Battalion or Company, or into Her Majesty's Marine Forces, notwithstanding he shall have enlisted for any particular Regiment, and shall be entitled to receive such Proportion or Residue of Bounty only as Her Majesty may allow in that Behalf, instead of the Bounty upon which such Man shall have been enlisted, any thing in any Act or Acts, or any Rules and Regulations relating to Soldiers, to the contrary notwithstanding; and it shall be lawful for any Two Justices before whom such Recruit shall be brought, and who shall be proved upon Oath, before them, to have concealed his having been a Soldier and discharged, or to have concealed his having been discharged upon any prior Enlistment, or to have wilfully concealed any such Infirmary upon being attested, or to have designedly made any false Representation as aforesaid, to adjudge such Person, if in *England* or *Ireland*, to be a Rogue and Vagabond, and to sentence him to such Punishment as by any Law in force may be inflicted upon Rogues and Vagabonds and Vagrants and incorrigible Rogues, and to adjudge such Person, if in *Scotland*, to be imprisoned in any Prison or House of Correction for any Period not exceeding Six Months, and with or without hard Labour; and any Recruit who shall designedly make any false Representation of any Particular contained in the Oaths and Certificates in the Schedule to this Act annexed, before the Justice, at the Time of his Attestation, and shall obtain any Enlisting Money or Bounty for entering into Her Majesty's Service, or any other Money, shall be deemed guilty of obtaining Money under false Pretences within the true Intent and Meaning, if in *England*, of an Act, intituled *An Act for consolidating and amending the Laws in England relative to Larceny and other Offences connected therewith*; and, if in *Ireland*, of an Act passed in the Ninth Year of the Reign of His Majesty King George the Fourth, intituled *An Act for consolidating and amending the Laws in Ireland relative to Larceny and other Offences connected therewith*; and such Recruit, if in *Scotland*, shall be deemed guilty of Falsehood, Fraud, and wilful Imposition; and the Production of such Certificate, and Proof of the Handwriting of the Justice giving such Certificate, shall be sufficient Evidence

7 & 8 G. 4. c. 29.

9 G. 4. c. 55.

of

of such Party having represented the several Particulars contained in the Oath sworn by him, and specified in the Certificate of the Justice at the Time of his being attested; and that Proof by the Oath of One or more credible Witnesses, that the Person so prosecuted hath voluntarily acknowledged that at the Time of his Enlistment he belonged to the Militia, or to any Regiment in Her Majesty's Service, or to Her Majesty's Ordnance, Navy, or Marines, shall be deemed and taken as Evidence of the Fact so by him acknowledged, without Production of any Roll or other Document to prove the same; and such Proof of such Acknowledgment shall be certified to the Secretary at War by the Justice before whom such Proof shall have been given; and any Man having been enrolled to serve in the Militia at the Time of offering to enlist who shall deny that he is a Militia Man then actually enrolled and engaged to serve, or shall deny to the Justice before whom he shall be attested that he belongs to the Militia, shall, on Conviction thereof before any One Justice in the United Kingdom, either upon Oath of One Witness or upon his own Confession, or upon the Production of the Attestation, and the before-mentioned Acknowledgment of such Person, certified by the Secretary at War or Deputy Secretary at War, be committed to the Common Gaol or House of Correction, there to remain without Bail or Mainprize for and during any Time not exceeding Six Calendar Months, over and above any Penalty or Punishment to which such Person so offending may be otherwise liable, and shall from the Day on which his Engagement to serve in the Militia shall end, and not sooner, belong as a Soldier to the Corps of Her Majesty's Regular Forces, or of the *East India* Company's Forces, into which he shall have so enlisted; provided that every such Person shall be liable to serve, within the United Kingdom of *Great Britain* and *Ireland*, in any Regiment, Battalion, or Corps of Her Majesty's Regular Forces, or of the *East India* Company's Forces, in which he has so enlisted, during all the Time the Militia to which he shall belong shall remain disembodied, or shall not be called out for Training or Exercise, and shall during all such Time be subject to all the Provisions of this Act, and liable to be apprehended and dealt with and punished as a Deserter from the Corps in which he shall have so enlisted, if he shall neglect or refuse to join and serve in such Corps as aforesaid.

XXXIX. And be it enacted, That every Military Officer who shall act contrary to the Provisions of this Act in any respect regarding the enlisting and attesting of Recruits for Her Majesty's Service, or for the Service of the *East India* Company, shall, upon Proof thereof upon Oath by Two Witnesses before a General Court-martial, be cashiered, and disabled to hold any Civil or Military Office or Employment in Her Majesty's Service.

Penalty on Officers offending against Laws regarding Enlistment.

XL. And whereas it is expedient that Provision should be made for enlisting and attesting of Soldiers desirous of re-enlisting, and others desirous of enlisting, abroad; be it therefore

Enlistment and Re-enlistment abroad.

fore enacted, That it shall be lawful for any Person duly appointed by Her Majesty by any Warrant signed by the Secretary at War in that Behalf, and not being a General Officer nor holding any Regimental Commission, to enlist and attest, out of *Great Britain or Ireland*, any Soldiers or Persons desirous of enlisting or re-enlisting into Her Majesty's Service; and any Person so appointed shall have the same Powers in that Behalf as are given to Justices in the United Kingdom for all such Purposes of Enlistment and Attestation; and any Person so enlisted or re-enlisted shall be deemed to be an attested Soldier; and as often as any Corps shall be relieved or disbanded at any Station beyond the Seas, it shall be lawful for any Officers thereunto authorized by the Officer commanding in chief at such Station to enlist as many of the Soldiers belonging to the Corps leaving the Station as shall be willing and fit for Service for any Corps appointed to remain; and every Soldier so enlisted is hereby deemed to be discharged from his former Corps; and an attested Certificate of Transfer shall be delivered to the Soldier.

Enlistment of
Negroes.

XLI. And be it enacted, That all Negroes purchased by or on account of Her Majesty, and serving in any of Her Majesty's Forces, shall be considered as Soldiers having voluntarily enlisted in Her Majesty's Service; provided that nothing contained in this Act as to enlisting for limited Periods of Service, or in any other Act as to any Rules or Regulations for granting Pensions or Allowances to Soldiers discharged after certain Periods of Service, shall extend to any Negroes so purchased.

Apprentice en-
listing to be
liable to serve
after the Expi-
ration of his
Apprenticeship.

XLII. And be it enacted, That any Person duly bound as an Apprentice who shall enlist as a Soldier in Her Majesty's or the *East India* Company's Service, and shall state to the Magistrate before whom he shall be carried and attested that he is not an Apprentice, shall be deemed guilty of obtaining Money under false Pretences within the true Intent and Meaning of the before-recited Acts, and shall, after the Expiration of his Apprenticeship, whether he shall have been so convicted and punished or not, be liable to serve as a Soldier in any of Her Majesty's Regular Forces, or in the Forces of the *East India* Company, according to the Terms of the Enlistment; and if on the Expiration of his Apprenticeship he shall not deliver himself up to some Officer authorized to receive Recruits, may be taken as a Deserter from Her Majesty's Forces.

Claims of
Masters to
Apprentices.

XLIII. And be it enacted, That no Master shall be entitled to claim an Apprentice who shall enlist as a Soldier in Her Majesty's or the *East India* Company's Service, unless he shall, within One Calendar Month after such Apprentice shall have left his Service, go before some Justice and take the Oath mentioned in this Act annexed, and produce the Certificate of such Justice of his having taken such Oath, which Certificate such Justice is required to give in the Form in the Schedule to this Act annexed; and unless such Apprentice shall have been bound, if in *England*, for the full Term of Seven Years, not having been above the Age of Fourteen
when

when so bound, and, if in *Ireland* or in the *British Isles*, for the full Term of Five Years at the least, not having been above the Age of Sixteen when so bound, and, if in *Scotland*, for the full Term at least of Four Years, by a regular Contract or Indenture of Apprenticeship, duly extended, signed, and tested, and binding on both Parties by the Law of *Scotland*, prior to the Period of Enlistment, and unless such Contract or Indenture in *Scotland* shall, within Three Months after the Commencement of the Apprenticeship, and before the Period of Enlistment, have been produced to a Justice of the Peace of the County in *Scotland* wherein the Parties reside, and there shall have been endorsed thereon by such Justice a Certificate or Declaration signed by him, specifying the Date when and the Person by whom such Contract or Indenture shall have been so produced, which Certificate or Declaration such Justice of the Peace is hereby required to endorse and sign; and unless such Apprenticeship shall, when claimed by such Master, be under Twenty-one Years of Age; provided that any Master of an Apprentice indentured for the Sea Service shall be entitled to claim and recover him in the Form and Manner above directed, notwithstanding such Apprentice may have been bound for a less Term than Seven, Five, or Four Years as aforesaid; and any such Master who shall give up the Indentures of Apprenticeship within One Month after the enlisting of such Apprentice shall be entitled to receive to his own Use so much of the Bounty payable to such Recruit, after deducting therefrom Two Guineas to provide him with Necessaries, as shall not have been paid to such Recruit before Notice given of his being an Apprentice.

XLIV. And be it enacted, That no Apprentice claimed by his Master shall be taken from any Corps or Recruiting Party but under a Warrant of a Justice residing near and within whose Jurisdiction such Apprentice shall then happen to be, before whom he shall be carried, and such Justice shall inquire into the Matter upon Oath, which Oath he is hereby empowered to administer, and shall require the Production and Proof of the Indenture, and that Notice of the said Warrant has been given to the Commanding Officer, and a Copy thereof left with some Officer or Non-commissioned Officer of the Party, and that such Person so enlisted declared that he was no Apprentice; and such Justice, if required by such Officer or Non-commissioned Officer, shall commit the Offender to the Common Gaol of the said Place, and shall keep the Indenture to be produced when required, and shall bind over such Person as he may think proper to give Evidence against the Offender, who shall be tried at the next or at the Sessions immediately succeeding the next General or Quarter Sessions of the County, Division, or Place, unless the Court shall on just Cause put off the Trial; and the Production of the Indenture, with the Certificate of the Justices that the same was proved, shall be sufficient Evidence of the said Indenture; and every such Offender, in *Scotland*, may be tried

Punishment of
Apprentices
enlisting.

tried by the Judge Ordinary in the County or Stewartry, in such and the like Manner as any Person may be tried in *Scotland* for any Offence not inferring a Capital Punishment; provided that any Justice not required as aforesaid to commit such Apprentice may deliver him to his Master.

Musters, and
Penalty on false
Musters.

XLV. And be it enacted, That Musters shall be taken of every Regiment, Troop, or Company in Her Majesty's Service, twice at least in every Year, at such Times as shall be appointed; and no Soldier shall be absent from such Musters unless properly certified to be employed on some other Duty of the Regiment, or to be sick, or in Prison, or on Furlough; and every Person who shall give or procure to be given any untrue Certificate whereby to excuse any Soldier for his Absence from any Muster or any other Service which he ought to attend or perform, or shall make any false or untrue Muster of Man or Horse, or shall wittingly or willingly allow or sign the Muster Roll wherein such false Muster is contained, or any Duplicate thereof, or who shall directly or indirectly take or cause to be taken any Money or Gratuity for mustering any Soldiers, or for signing any Muster Rolls or Duplicates thereof, or shall knowingly muster any Person by a wrong Name, upon Proof thereof upon Oath made by Two Witnesses before a General Court-martial, shall for such Offence be forthwith cashiered, and shall be thereby utterly disabled to have or hold any Civil or Military Office or Employment within the United Kingdom of *Great Britain* and *Ireland*, or in Her Majesty's Service; and if the Person giving such untrue Certificate shall not have any Military Commission, he shall forfeit for every such Offence the Sum of Fifty Pounds; and any Person who shall falsely be mustered or offer himself to be mustered, or lend or furnish any Horse to be falsely mustered, shall, upon Oath made by Two Witnesses before some Justice of the Peace residing near the Place where such Muster shall be made, forfeit the Sum of Twenty Pounds; and the Informer, if he belongs to Her Majesty's Service, shall, if he demand it, be forthwith discharged.

Forfeiture
of Pay.

XLVI. And be it enacted, That any Soldier who shall absent himself without Leave, or who shall desert, shall, on Conviction by a General or other Court-martial, in addition to any Punishment awarded by such Court, forfeit his Pay for the Days on which he has so absented himself without Leave, or on which he has been absent by such Desertion, and that no Soldier shall be entitled to pay or to reckon Service towards Pay or Pension when in Confinement under any Sentence of any Court, or during any Absence from Duty by Commitment under the Civil Power on a Charge of any Offence cognizable by a Civil or a Criminal Court, or by reason of any Arrest for Debt or as a Prisoner of War, or while in Confinement under any Charge of which he shall afterwards be convicted; and if any Soldier shall absent himself without Leave for any Period not exceeding Five Days, and shall not account for the same to the

the Satisfaction of the Commanding Officer, it shall be lawful for the said Commanding Officer (if he shall think fit) to order and direct that, in addition to such other Punishment as he has Authority to inflict, such Soldier shall also suffer Forfeiture of his Pay for the Day or Days on which he has so absented himself, and thereupon such Pay shall be forfeited, and such Soldier shall not be liable to be afterwards tried by a Court-martial for the said Offence; provided that any Soldier who shall be so ordered to forfeit his Pay shall have a Right to insist on being tried by a Court-martial for his Offence instead of submitting to such Forfeiture; and provided also, that any Soldier acquitted of any Offence for which he had been committed shall, upon Return to his Duty in his Corps, be entitled to receive all Arrears of Pay growing due, and to reckon Service during his Absence or Confinement; and upon rejoining Her Majesty's Service from being a Prisoner of War, due Inquiry shall be made by a Court-martial, and if it shall be proved to the Satisfaction of such Court that the said Soldier was taken Prisoner without wilful Neglect of Duty on his Part, and that he hath not served with or under or in any Manner aided the Enemy, and that he hath returned as soon as possible to Her Majesty's Service, he may thereupon be recommended by such Court to receive either the whole of such Arrears of Pay, or a Proportion thereof, and to reckon Service during his Absence; provided that it shall be lawful for Her Majesty's Secretary at War to order or withhold the Payment of the Whole or any Part of the Pay of any Officer or Soldier during the Period of Absence by any of the Causes aforesaid.

XLVII. And be it enacted, That when there shall not be any Military Officer of Rank, not inferior to Captain, or any Adjutant of Regular Militia, within convenient Distance of the Place where any Non-commissioned Officer or Soldier on Furlough shall be detained by Sickness or other Casualty rendering necessary any Extension of such Furlough, it shall be lawful for any Justice who shall be satisfied of such Necessity to grant an Extension of Furlough for a Period not exceeding One Month; and the said Justice shall immediately certify such Extension, and the Cause thereof, to the Commanding Officer of the Corps or Detachment to which the Man belongs, if known, and if not, then to the Agent of the Regiment, in order that the proper Sum may be remitted to the Soldier, who shall not during the Period of such Extension of Furlough be liable to be treated as a Deserter; provided that nothing herein contained shall be construed to exempt any Soldier from Trial and Punishment, according to the Provisions of this Act, for any false Representation made by him in that Behalf to the said Justice, or for any Breach of Discipline committed by him in applying for and obtaining the said Extension of Furlough.

XLVIII. And be it enacted, That every Soldier entitled to his Discharge shall, if then serving abroad, be sent, if he shall so require it, to *Great Britain* or *Ireland* free of Expence, and

Extension of
Furlough in
case of Sick-
ness.

Marching
Money on
Discharge.

and shall be entitled to receive **Marching Money** from the Place of his being landed (or, if discharged at home, shall receive **Marching Money** from the Place of his Discharge,) to the Parish or Place in which he shall have been originally enlisted, or at which he shall at the Time of his Discharge decide to take up his Residence, such Place not being at a greater Distance from the Place of his Discharge than the Place of his original Enlistment.

Commissaries
to attest their
Accounts.

XLIX. And be it enacted, That all Commissaries upon making up their Accounts, and also upon returning from any Foreign Service, shall make the Declaration described in the Schedule to this Act annexed; which Declaration, if made in any Part of the United Kingdom, shall be made before some Justice, and if made on Foreign Service, before the Officer commanding in chief, or the Second in Command, or the Quarter Master or Deputy Quarter Master General or any Assistant Quarter Master General of the Army to which he shall be attached, who shall respectively have Power to administer and receive the same.

Issue of Pay of
the Army.

L. And be it enacted, That no Secretary at War, Paymaster General of the Army, Paymaster, or any other Officer whatsoever, or their under Officers, shall receive any Fees or make any Deductions whatsoever out of the Pay of any Officer or Soldier in Her Majesty's Army or from their Agents, which shall grow due from and after the Twenty-fifth Day of *April* One thousand eight hundred and forty-one, other than the usual Deductions, or such other necessary Deductions as shall from Time to Time be required by Her Majesty's Regulations, or by Her Majesty's Order signified by the Secretary at War; and every Paymaster or other Officer having received any Officer's or Soldier's Pay, who shall unlawfully detain the same for the Space of One Month, or refuse to pay the same when it shall become due, according to the several Rates and agreeably to the several Regulations established by Her Majesty's Orders, shall, upon Proof thereof before a Court-martial, be discharged from his Employment, and shall forfeit One hundred Pounds, and the Informer, if a Soldier, if he demand it, shall be discharged from any further Service; provided that it shall be lawful for Her Majesty's Secretary at War to give Orders for withholding the Pay of any Officer or Soldier for any Period during which such Officer, Non-commissioned Officer, or Soldier shall be absent without Leave, or improperly absent from his Corps and from his Duty; or, in case of any Doubt as to the proper Issue of Pay, to withhold it from the Parties aforesaid until Her Majesty's Orders shall have been signified by the Secretary at War.

Penalty for
Disobedience
by Agents.

LI. And for enforcing a prompt Observance of the Rules and Orders for the due Appropriation of the public Funds applicable to Army Services, and in order that a true and regular Account may be kept and rendered by the Agents for the several Corps, be it enacted, That the said Agents are hereby

hereby required to observe such Orders as shall from Time to Time be given by Her Majesty under Her Sign Manual, or by the Secretary at War, or by Her Majesty's Chief Governor or Governors of *Ireland*, or by the Lord Treasurer or Commissioners of the Treasury; and if any Person, being or having been an Agent, shall refuse or neglect to comply with such Orders in relation to his Duty as Agent, or shall unlawfully withhold or detain the Pay of any Officer or Soldier after the Space of One Month after the Receipt thereof, he shall for the First Offence forfeit the Sum of One hundred Pounds; and, if still an Agent, for the Second Offence be discharged from his Employment as an Army Agent, and be utterly disabled to have or hold such Employment thereafter; or, if he shall have ceased to be an Army Agent, shall for the Second and every succeeding Offence forfeit the Sum of Two hundred Pounds.

LII. And whereas by Petition of Right in the Third Year of King *Charles* the First, it is enacted and declared, that the People of the Land are not by the Laws to be burdened with the sojourning of Soldiers against their Wills; and by a Clause in an Act of the Parliament of *England*, made in the Thirty-first Year of the Reign of King *Charles* the Second, for granting a Supply to His Majesty of Two hundred and six thousand four hundred and sixty-two Pounds Seventeen Shillings and Three-pence, for paying and disbanding the Forces, it is declared and enacted, that no Officer, Civil or Military, nor other Person whosoever, should thenceforth presume to place, quarter, or billet any Soldier upon any Subject or Inhabitant of this Realm, of any Degree, Quality, or Profession whatsoever, without his Consent, and that it shall be lawful for any Subject or Inhabitant to refuse to quarter any Soldier, notwithstanding any Warrant or Billetting whatsoever: And whereas by an Act passed in *Ireland* in the Sixth Year of the Reign of Queen *Anne*, intituled *An Act to prevent the Disorders that may happen by the marching of Soldiers, and providing Carriages for the Baggage of Soldiers on their March*, it was enacted, that no Officer, Soldier, or Trooper in the Army, nor the Servant of any Officer, nor any Attendant on the Train of Artillery, should at any Time thereafter be allowed any Quarters in any Part of *Ireland*, save only during such Time as he or they should be and remain in some Seaport Town in order to be transported, or during such Time as there should be any Commotion in any Part of *Ireland*, by reason of which Emergency the Army should be commanded to march from any Part of *Ireland* to another: But forasmuch as at this Time, during the Continuance of this Act, there is and may be Occasion for the marching and quartering of Regiments, Troops, and Companies in several Parts of the United Kingdom of *Great Britain and Ireland*, be it enacted, That it shall be lawful for all Constables of Parishes and Places, and other Persons specified in this Act, in *England* and

How and where Troops may be billeted.

6 Ann. (I.)

and *Ireland*, and they are hereby required, to billet the Officers and Soldiers in Her Majesty's Service, and Persons receiving Pay in Her Majesty's Army, and the Horses belonging to Her Majesty's Cavalry, and also all Staff and Field Officers Horses, and all Bât and Baggage Horses belonging to any of Her Majesty's other Forces, when on actual Service, not exceeding for each Officer the Number for which Forage is or shall be allowed by Her Majesty's Regulations, in Victualling Houses and other Houses specified in this Act (taking care in *Ireland* not to billet less than Two Men in any One House, except only in case of billeting Cavalry as specially provided); and that they shall be received by the Occupiers of such Houses in which they are so allowed to be billeted, and be furnished by such Victuallers with proper Accommodation in such Houses, or if any Victualler shall not have sufficient Accommodation in the House upon which a Soldier is billeted, then in some good and sufficient Quarters to be provided by such Victualler in the immediate Neighbourhood, and in *England* with Diet and Small Beer, and with Stables, Hay, and Straw for such Horses as aforesaid, paying and allowing for the same the several Rates hereinafter provided; and at no Time when Troops are on a March shall any of them, whether Infantry or Cavalry, be billeted above One Mile from the Place mentioned in the Route; and in all Places where Cavalry shall be billeted in pursuance of this Act, the Men and their Horses shall be billeted in one and the same House, except in case of Necessity; and in no other Case whatsoever shall there be less than One Man billeted where there shall be One or Two Horses, nor less than Two Men where there shall be Four Horses, and so in proportion for a greater Number; and in no Case shall a Man and his Horse be billeted at a greater Distance from each other than One hundred Yards; and the Constables are hereby required to billet all Soldiers and their Horses on their March in a just and equal Proportion upon the Keepers of all Houses within One Mile of the Place mentioned in the Route, although some of such Houses may be in the adjoining County, in like Manner in every respect as if such Houses were locally situate within such Place; provided that nothing herein contained shall be construed to extend to authorize any Constable to billet Soldiers out of the County to which such Constable belongs, when the Constable of the adjoining County shall be present and undertake to billet the due Proportion of Men in such adjoining County; and no more Billets shall at any Time be ordered than there are effective Soldiers and Horses present to be billeted; all which Billets, when made out by such Constables, shall be delivered into the Hands of the Commanding Officer present; and if any Person shall find himself aggrieved by having an undue Proportion of Soldiers billeted in his House, and shall prefer his Complaint, if against a Constable or other Person not being a Justice, to One or more Justices, and if against a Justice, then to Two or more Justices, within whose Jurisdiction such Soldiers are billeted,

such

such Justices respectively shall have Power to order such of the Soldiers to be removed, and to be billeted upon other Persons, as they shall see Cause; and when any of Her Majesty's Cavalry or any Horses as aforesaid shall be billeted upon the Occupiers of Houses in which Officers or Soldiers may be quartered by virtue of this Act, who shall have no Stables, then and in such Case, upon the written Requisition of the Commanding Officer of the Regiment, Troop, or Detachment, the Constable is hereby required to billet the Men and their Horses, or Horses only, upon some other Person or Persons who have Stables by this Act liable to have Officers and Soldiers billeted upon them; and upon Complaint being made by the Person or Persons to whose House or Stables the said Men and Horses shall have been so removed to Two or more Justices within whose Jurisdiction such Men or Horses shall be so billeted, it shall be lawful for such Justices to order a proper Allowance to be paid by the Person relieved to the Persons receiving such Men and Horses, or to be applied in furnishing the requisite Accommodation; and Commanding Officers may exchange any Man or Horse billeted in any Place with another Man or Horse billeted in the same Place, for the Benefit of the Service, provided the Number of Men and Horses do not exceed the Number at that Time billeted on such Houses; and the Constables are hereby required to billet such Men and Horses so exchanged accordingly; and it shall be lawful for any Justice, at the Request of any Officer or Non-commissioned Officer commanding any Soldiers requiring Billets, to extend any Routes or enlarge the Districts within which Billets shall be required, in such Manner as shall appear to be most convenient to the Troops; provided that, to prevent or punish all Abuses in billeting Soldiers, it shall be lawful for any Justice within his Jurisdiction, by Warrant or Order under his Hand, to require any Constable to give him an Account in Writing of the Number of Officers and Soldiers who shall be quartered by such Constable, together with the Names of the Persons upon whom such Officers and Soldiers are billeted, stating the Street or Place where such Persons dwell, and the Sign, if any, belonging to those Houses; and it shall be lawful to billet Officers and Soldiers in *Scotland* according to the Provisions of the Laws in force in *Scotland* at the Time of its Union with *England*; and no Officer shall be obliged to pay for his Lodging where he shall be regularly billeted, except in the Suburbs of *Edinburgh*.

LIII. And be it enacted, That the Officers and Soldiers of Her Majesty's Foot Guards shall be billeted within the City and Liberties of *Westminster*, and Places adjacent, lying in the County of *Middlesex* (except the City of *London*) and in the County of *Surrey*, and in the Borough of *Southwark*, in the same Manner and under the same Regulations as in other Parts of *England*, in all Cases for which particular Provision is not made by this Act; and the High Constable shall, on Receipt of the Order for billeting Soldiers, deliver Precepts

Billeting the
Guards in and
near Westmin-
ster.

to the several Constables within their respective Divisions, in pursuance of which the said Constables shall billet such Officers and Soldiers equally and proportionally on the Houses subjected thereto by this Act; and the said Constables shall at every General Sessions of the Peace to be holden for the said City and Liberties, Counties and Borough respectively, make and deliver to the Justices then in open Session assembled, upon Oath, which Oath the said Justices are hereby required to administer, Lists, signed by them respectively, of the Houses subject by this Act to receive Officers and Soldiers, together with the Names and Rank of all Officers and Soldiers billeted on each respectively, which Lists shall remain with the respective Clerks of the Peace for the Inspection of all Persons, without Fee or Reward; and such Clerk shall forthwith from Time to Time deliver to any Persons who shall require the same true Copies of any such Lists, upon being paid Two-pence per Sheet for the same, each Sheet to contain at the least One hundred and fifty Words.

Military Officers not to act as Justices in billeting.

LIV. And be it enacted, That no Justice having or executing any Military Office or Commission in any Part of the United Kingdom shall, directly or indirectly, be concerned in the billeting or appointing Quarters for any Soldier in the Regiment, Troop, or Company under the immediate Command of such Justice, but that all Warrants, Acts, or Things so appointed by such Justice for or concerning the same shall be void.

Allowance to Innkeepers.

LV. And be it enacted, That the Innholder or other Person on whom any Soldier is billeted in *England* shall, if required by such Soldier, furnish him for every Day on the March, and for a Period not exceeding Two Days when halted at the intermediate Place upon the March, and for the Day of the Arrival at the Place of final Destination, with One hot Meal in each Day, the Meal to consist of such Quantities of Diet and Small Beer as may be fixed by Her Majesty's Regulations, not exceeding One Pound and a Quarter of Meat previous to being dressed, One Pound of Bread, One Pound of Potatoes or other Vegetables, and Two Pints of Small Beer, and Vinegar, Salt, and Pepper, and for such Meal the Innholder or other Person furnishing the same shall be paid the Sum of Ten-pence; and all Innholders and other Persons on whom Soldiers may be billeted in *England*, except when on the March, and entitled to be furnished with the hot Meal as aforesaid, shall furnish such Soldier with Candles, Vinegar, and Salt, and shall allow them the Use of Fire, and the necessary Utensils for dressing and eating their Meat, and shall be paid in consideration thereof the Sum of One Halfpenny *per Diem* for each Soldier; and the Sum to be paid to the Innholder or other Person on whom any of the Horses belonging to Her Majesty's Forces shall be billeted, in *England*, for Hay and Straw, shall be Ten-pence *per Diem* for each Horse, and in *Ireland* the Sum to be paid for Forage to the Innholder or other Person for Horses billeted by virtue of this Act shall be the Rate established by the Lord

Lieutenant

Lieutenant or other sufficient Authority from Time to Time, the same to be regulated by the average Rate of Contracts for Forage in *Ireland*; and for the Use of Stables in *Ireland*, when such Horses are provided with Hay and Straw by Contract, and not by the Occupiers of the Houses on which they are billeted, the Sum of Four-pence *per Week* for each Horse shall be paid; and every Officer to whom it belongs to receive, or who does actually receive the Pay for any Officers or Soldiers shall every Four Days, or before they shall quit their Quarters if they shall not remain so long as Four Days, settle the just Demands of all Victuallers or other Persons upon whom such Officers and Soldiers are billeted, out of their Pay and Subsistence, before any Part of the said Pay or Subsistence be distributed to them respectively; and if any Officer as aforesaid shall not pay the same, upon Complaint, and Oath made thereof by any Two Witnesses, at the next Quarter Sessions for the County or City where such Quarters were situated, the Secretary at War is hereby required (upon Certificate of the Justices before whom such Oath was made of the Sum due upon such Accounts, and the Persons to whom the same is owing,) to give Orders to the Regimental Agent to pay the said Sums, and to charge the same against such Officers; and in case of any Soldier being suddenly ordered to march, and that the respective Commanding Officers are not enabled to make Payment of the Sums due for the Lodging of the Men and Stabling for the Horses, every such Officer shall, before his Departure, make up the Account with every Person upon whom such Soldier may have been billeted, and sign a Certificate thereof; which Account and Certificate shall be transmitted to the Agent of the Regiment, who is hereby required to make immediate Payment thereof, and to charge the same to the Account of such Officer.

LVI. And be it enacted, That all the Powers and Provisions in this Act contained relating to *England* shall be construed to extend to *Wales* and the Town of *Berwick-upon-Tweed*; and all Powers and Provisions relating to the *British Isles* shall be construed to extend to *Guernsey, Jersey, Alderney, Sark, and Man*, and all Isles thereto and to *England* and *Ireland* belonging; and all Powers and Provisions relating to Soldiers shall be construed to extend to Non-commissioned Officers, unless when otherwise provided; and all Powers and Provisions relating to Justices shall be construed to extend to all Magistrates authorized to act as such in their respective Jurisdictions, and to Chief Magistrates of exclusive local Jurisdictions; and all the Powers given to and Regulations made for the Conduct of Constables in relation to the billeting of Officers and Soldiers, and all Penalties and Forfeitures for any Neglect thereof, shall extend to all Tithingmen, Headboroughs, and such like Officers, and High Constables and other Chief Officers and Magistrates of Cities, Towns, Villages, Hamlets, Parishes, and Places in *England* and *Ireland*, who shall act in the Execution of this Act in relation to billeting; and all Provisions for

Definition of
Terms.

Powers and
Regulations as
to Billets.

Exemptions
from Billets.

billetting Officers and Soldiers in Victualling Houses shall extend and apply to all Inns, Livery Stables, Alehouses, and to the Houses of Sellers of Wine by Retail, whether *British* or *Foreign*, to be drank in their own Houses, or Places thereunto belonging, and to all Houses of Persons selling Brandy, Strong Waters, Cider, or Metheglin, by Retail, in *England* and *Ireland*; and in *Ireland*, when there shall not be found sufficient Room in such Houses, then to billetting Soldiers in such Manner as has been heretofore customary; provided that no Officer or Soldier shall be billeted in *England* in any private Houses, or in any Canteen held or occupied under the Authority of the Ordnance Department, or upon Persons who keep Taverns only, being Vintners of the City of *London*, admitted to their Freedom of the said Company in right of Patrimony or Apprenticeship, notwithstanding such Persons who keep such Taverns only have taken out Victualling Licences, nor in the Houses of any Distiller kept for distilling Brandy and Strong Waters, nor in the House of any Storekeeper whose principal Dealing shall be more in other Goods and Merchandize than in Brandy and Strong Waters, so as such Distillers and Shopkeepers do not permit Tippling in such Houses, nor in the House of Residence in any Part of the United Kingdom of any Foreign Consul duly accredited as such.

Supply of
Carriages.

LVII. And be it enacted, That for the regular Provision of Carriages for Her Majesty's Forces, and their Baggage in their Marches, in *England* and *Ireland*, all Justices of the Peace within their several Jurisdictions, being duly required thereunto by an Order from Her Majesty, or the General of Her Forces, or the Master General or Lieutenant General of Her Majesty's Ordnance, or other Person duly authorized in that Behalf, shall, on Production of such Order to such Justices by some Officer or Non-commissioned Officer of the Regiment so ordered to march, issue a Warrant to any Constable having Authority to act in any Place from, through, near, or to which the Troop shall be ordered to march, (for each of which Warrants the Fee of One Shilling only shall be paid,) requiring him to provide the Carriages, Horses, and Oxen, and Drivers therein mentioned, and allowing sufficient Time to do the same, specifying the Places from and to which the said Carriages shall travel, and the Distance between the Places, for which Distance only so specified Payment shall be demanded, and which Distance shall not, except in Cases of pressing Emergency, exceed a Day's March prescribed in the Order of Route, and shall in no Cases exceed Twenty-five Miles; and the Constables receiving such Warrants shall order such Persons as they shall think proper, having Carriages, to furnish the requisite Supply, who are hereby required to furnish the same accordingly; and when sufficient Carriages cannot be procured within the proper Jurisdiction, any Justice of the next adjoining Jurisdiction shall, by a like Course of Proceeding, supply the Deficiency; and in order that the Burden of providing Carriages may fall equally, and to prevent Inconvenience arising

arising from there being no Justice near the Place where Troops may be quartered on the March, any Justice residing nearest to such Place may cause a List to be made out once in every Year of all Persons liable to furnish such Carriages, and of the Number and Description of their said Carriages, (which List shall at all seasonable Hours be open to the Inspection of the said Persons,) and may by Warrant under his Hand authorize the Constable within his Jurisdiction to give Orders to provide Carriages, without any special Warrant for that Purpose, which Orders shall be valid in all respects; and all Orders for such Carriages shall be made from such Lists in regular Rotation, as far as the same can be done.

LVIII. And be it enacted, That in every Case in which the whole Distance for which any Carriage shall be impressed shall be under One Mile the Rate of a full Mile shall be paid; and the Rates to be paid for Carriages impressed shall be, in *England*, for every Mile which a Waggon with Four or more Horses, or a Wain with Six Oxen, or Four Oxen and Two Horses, shall travel, One Shilling; and for every Mile any Waggon with narrow Wheels, or any Cart with Four Horses, carrying not less than Fifteen Hundred Weight, shall travel, Nine-pence; and for every Mile any other Cart or Carriage with less than Four Horses, and not carrying Fifteen Hundred Weight, shall travel, Sixpence; and in *Ireland*, for every Hundred Weight loaded on any Wheel Carriage, One Half-penny *per* Mile; and in *England* such further Rates may be added, not exceeding a total Addition *per* Mile of Four-pence, Three-pence, or Two-pence, to the respective Rates of One Shilling, Nine-pence, or Sixpence, as may seem reasonable to the Justices assembled at General Sessions for their respective Districts, or to the Recorder of any Municipal City, Borough, or Town, Corporate or not Corporate; and the Order of such Justices or Recorder at Sessions shall specify the average Price of Hay and Oats at the nearest Market Town at the Time of fixing such additional Rates, the Period for which the Order shall be enforced not exceeding Ten Days beyond the next General Sessions; and no such Order shall be valid unless a Copy thereof, signed by the presiding Magistrate and One other Justice, or by the Recorder, shall be transmitted to the Secretary at War within Three Days after the making thereof; and also in *England*, when the Day's March shall exceed Fifteen Miles, the Justice granting his Warrant may fix a further reasonable Compensation, not exceeding the usual Rate of Hire fixed by this Act; and when any additional Rates or Compensation shall be granted, the Justice shall insert in his own Hand in the Warrant the Amount thereof, and the Date of the Order of Sessions, if fixed by Sessions, and the Warrant shall be given to the Officer commanding, as his Voucher; provided that the Officer or Non-commissioned Officer demanding Carriages by virtue of the Warrant of a Justice shall, in *England*, pay the proper Sums into the Hands of the Constables providing Carriages, who shall give Receipts for the same on

Rates to be paid for Carriages, and Regulations relating thereto.

unstamped Paper, and, in *Ireland*, the Officers or Non-commissioned Officers as aforesaid shall pay to the Owners or Drivers of the Carriages; and One Third Part of such Payment shall be made before the Carriage be loaded, and all the said Payments in *Ireland* shall be made, if required, in the Presence of a Justice or Constable; provided that no Carriage shall be liable to carry more than Thirty Hundred Weight in *England*, and in *Ireland* no Car shall be liable to carry more than Six Hundred Weight, and no Dray more than Twelve Hundred Weight; but the Owner of such Carriages in *Ireland* consenting to carry a greater Weight shall be paid at the same Rate for every Hundred Weight of the said Excess; and the Owners of such Carriages in *Ireland* shall not be compelled to proceed, though with any less Weight, under the Sum of Three-pence a Mile for each Car and Sixpence a Mile for each Dray; and the Loading of such Carriages in *Ireland* shall be first weighed, if required, at the Expence of the Owner of the Carriage, if the same can be done in a reasonable Time, without Hindrance to Her Majesty's Service; and the providing and paying for Carriages in *Scotland* shall be regulated by the Law in force at the Time of the Union with *England*; provided that a Cart with One or more Horses, for which the Furnisher shall receive Nine-pence a Mile, shall be required to carry Fifteen Hundred Weight at the least; provided that no Penalties or Forfeitures in any Act relating to Highways or Turnpike Roads in the United Kingdom shall apply to the Number of Horses and Oxen, or Weight of Loading of the aforesaid Carriages, which shall not on that Account be stopped or detained; and whenever it shall be necessary to impress Carriages for the March of Soldiers from *Dublin*, at least Twenty-four Hours Notice of such March, and in case of Emergency as long Notice as the Case will admit, shall be given to the Lord Mayor of *Dublin*, who shall summon a proportional Number of Cars and Drays, at his Discretion, out of the licensed Cars and Drays and other Cars and Drays within the County of the said City, and they shall by Turns be employed on this Duty, at the Prices and under the Regulations herein-before mentioned; and no Country Cars, Drays, or other Carriages coming to Markets in *Ireland* shall be detained or employed against the Will of the Owners in carrying the Baggage of the Army on any Pretence whatsoever.

Supply of Carriages in Cases of Emergency.

LIX. And be it enacted, That it shall be lawful for Her Majesty, or the Lord Lieutenant or Chief Governors of *Ireland*, by Her or their Order, distinctly stating that a Case of Emergency doth exist, signified by the Secretary at War, or, if in *Ireland*, by the Chief Secretary or Under Secretary, or the First Clerk in the Military Department, to authorize any General or Field Officer commanding Her Majesty's Forces in any District or Place, or to the Chief Acting Agent for the Supply of Stores and Provisions, by Writing under his Hand, reciting such Order of Her Majesty or Lord Lieutenant or Chief Governor aforesaid, to require all Justices within their

several Jurisdictions in *England* and *Ireland* to issue their Warrants for the Provision not only of Waggon, Wains, Carts, and Cars kept by or belonging to any Person and for any Use whatsoever, but also of Saddle Horses, Coaches, Post Chaises, Chaises, and other Four-wheeled Carriages kept for Hire, and also of Boats, Barges, and other Vessels used for the Transport of any Commodities whatsoever upon any Canal or Navigable River, as shall be mentioned in the said Warrants, therein specifying the Place and Distance to which such Carriages or Vessels shall go; and on the Production of such Requisition to such Justice by any Officer of the Corps ordered to be conveyed, or by any Officer of the Commissariat or Ordnance Department, such Justice shall take all the same Proceedings in regard to such additional Supply so required on the said Emergency as he is by this Act required to take for the ordinary Provision of Carriages; and all Provisions whatsoever of this Act, as regards the procuring of the ordinary Supply of Carriages, and the Duties of Officers and Non-commissioned Officers, Justices, Constables, and Owners of Carriages, in that Behalf, shall be to all Intents and Purposes applicable for the providing and Payment, according to the Rates of Posting or of Hire usually paid for such other Description of Carriages or Vessels so required on Emergency, according to the Length of the Journey or Voyage in each Case, but making no Allowance for Post Horse Duty, or Turnpike, Canal, River, or Lock Tolls, which Duty or Tolls are hereby declared not to be demandable for such Carriages and Vessels while employed in such Service or returning therefrom; and it shall be lawful to convey thereon, not only the Baggage, Provisions, and Military Stores of such Regiment or Detachment, but also the Officers, Soldiers, Servants, Women, Children, and other Persons of and belonging to the same.

LX. And be it enacted, That it shall be lawful for the Justices of the Peace assembled at their Quarter Sessions to direct the Treasurer to pay, without Fee, out of the public Stock of the County or Riding, or if such public Stock be insufficient, then out of the Monies which the said Justices shall have Power to raise for that Purpose in like Manner as for County Gaols and Bridges, such reasonable Sums as shall have been expended by the Constables within their respective Jurisdictions for Carriages and Vessels, over and above what was or ought to have been paid by the Officer requiring the same, Regard being had to the Season of the Year and Condition of the Ways by which such Carriages and Vessels are to pass.

Justices empowered to reimburse Constables for Sums expended by them.

LXI. And be it enacted, That it shall be lawful for the Lord Lieutenant or other Chief Governor for the Time being of *Ireland* to depute, by Warrant under his Hand and Seal, some proper Person to sign Routes in Cases of Emergency, for the marching of any of Her Majesty's Forces in *Ireland*, in the Name of such Lord Lieutenant or Chief Governor.

Routes in *Ireland*.

LXII. And be it enacted, That all Her Majesty's Officers and Soldiers, being in proper Staff or Regimental or Military

Tolls.

Uniform, Dress or Undress, and their Horses, (but not when passing in any hired or private Vehicle,) and all Carriages and Horses belonging to Her Majesty, or employed in Her Service, when conveying Persons or Baggage under the Provisions of this Act, or returning therefrom, and all Recruits marching by Route, shall be exempted from Payment of any Duties and Tolls on embarking or disembarking from or upon any Pier, Wharf, Quay, or Landing Place, or passing Turnpike Roads or Bridges, otherwise demandable by virtue of any Act already passed or hereafter to be passed; and any Toll Collector who shall demand and receive Toll from any of Her Majesty's Officers or Soldiers, they being in proper Staff or Regimental or Military Uniform, Dress or Undress, or for their Horses, every such Toll Collector shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence, for which Forfeiture and Penalty he shall be prosecuted before a Justice of the Peace; provided that nothing herein contained shall exempt any Boats, Barges, or other Vessels employed in conveying the said Persons, Horses, Baggage, or Stores along any Canal, from Payment of Tolls, in like Manner as other Boats, Barges, and Vessels are liable thereto, except when employed in Cases of Emergency as herein-before enacted.

Ferries.

LXIII. And be it enacted, That when any Soldiers on Service have Occasion in their March to pass regular Ferries in *Scotland*, the Officer commanding may at his Option pass over with his Soldiers as Passengers, and shall pay for himself and each Soldier One Half only of the ordinary Rate payable by single Persons, or may hire the Ferry Boat for himself and his Party, debarring others for that Time, and shall in all such Cases pay only Half the ordinary Rate for such Boat.

Penalties upon Civil Subjects offending against the Laws relating to Billets and Carriages.

LXIV. And be it enacted, That if any Constable or other Person, who by virtue of this Act shall be employed in billeting any Officers or Soldiers in any Part of the United Kingdom, shall presume to billet any such Officer or Soldier in any House not within the Meaning of this Act, without the Consent of the Owner or Occupier thereof; or shall neglect or refuse to billet any Officer or Soldier on Duty, when thereunto required, in such Manner as is by this Act directed, provided sufficient Notice be given before the Arrival of such Troops; or shall receive, demand, or agree for any Money or Reward whatsoever, in order to excuse any Person from receiving such Officer or Soldier; or shall quarter any of the Wives, Children, Men or Maid Servants of any Officers or Soldiers in any such Houses, against the Consent of the Occupiers; or shall neglect or refuse to execute such Warrants of the Justices as shall be directed to him for providing Carriages, Horses, or Vessels, or shall demand more than the legal Rates for the same; or if any Person appointed by such Constable to provide Carriages, Horses, or Vessels shall do any Act or Thing by which the Execution of such Warrants shall be hindered; or if any Constable shall neglect to deliver in to the Justices at Quarter Sessions Lists of Officers and Soldiers

Soldiers of the Foot Guards quartered according to the Provisions of this Act, or shall cause to be delivered defective Lists of the same; or if any Person liable by this Act to have any Officer or Soldier quartered upon him shall refuse to receive and to afford proper Accommodation or Diet in the House in which such Officer or Soldier is quartered, and to furnish the several Things directed to be furnished to Officers and Soldiers, or shall neglect or refuse to furnish good and sufficient Stables, together with good and sufficient Hay and Straw, for each Horse, at the Rate established by this Act, and in such Quantities as shall be fixed by Her Majesty's Regulations, not exceeding Eighteen Pounds of Hay and Six Pounds of Straw *per Diem* for each Horse; or if any Innkeeper or Victualler not having good and sufficient Stables shall refuse to pay over to the Person or Persons who may provide Stabling such Allowance by way of Compensation as shall be directed by any Justice of the Peace, or shall pay any Sum or Sums of Money to any Soldier on the March in lieu of furnishing in Kind the Diet and Small Beer to which such Soldier is entitled; such Constable, Victualler, or other Person respectively shall forfeit for every such Offence, Neglect, or Refusal, any Sum not exceeding Five Pounds nor less than Forty Shillings.

LXV. And be it enacted, That if any Military Officer shall take upon himself to quarter Soldiers otherwise than is limited and allowed by this Act, or shall use or offer any Menace or Compulsion to or upon any Mayors, Constables, or other Civil Officers, tending to deter and discourage any of them from performing any Part of their Duty under this Act, or tending to induce any of them to do any thing contrary to their said Duty, such Officer shall for every such Offence (being thereof convicted before any Two or more Justices of the County by the Oath of Two credible Witnesses) be deemed and taken to be *ipso facto* cashiered, and shall be utterly disabled to hold any Military Employment in Her Majesty's Service; provided that a Certificate thereof shall be transmitted by one of the said Justices to the Judge Advocate in *London*, who is hereby required to certify the same to the Commander in Chief and Secretary at War, and that the said Conviction be affirmed at some Quarter Sessions of the Peace of the said County held next after the Expiration of Three Months after such Certificate of the Justice shall have been transmitted as aforesaid; and if any Military Officer shall take, or knowingly suffer to be taken, any Money or Reward of any Person for excusing the quartering of Officers or Soldiers, or shall billet any of the Wives, Children, Men or Maid Servants of any Officer or Soldier in any House, against the Consent of the Occupier, he shall, upon being convicted thereof before a General Court-martial, be cashiered; and if any Officer shall constrain any Carriage to travel beyond the Distance specified in the Justice's Warrant, or shall not discharge the same in due Time for their Return Home on the same Day, if it be practicable, except in the Case of Emergency, for which the Justice shall have given Licence,

Penalties upon
the Military so
offending.

or

or shall compel the Driver of any Carriage to take up any Soldier or Servant (except such as are sick) or any Woman to ride therein, except in Cases of Emergency as aforesaid; or shall force any Constable, by threatening Words, to provide Saddle Horses for himself or Servants, or shall force Horses from their Owners, or in *Ireland* shall force the Owner to take any Loading until the same shall be first duly weighed, if the same can be done within reasonable Time, or shall, contrary to the Will of the Owner or his Servant, permit any Person whatsoever to put any greater Load upon any Carriage than is directed by this Act, such Officer shall forfeit for every Offence any Sum not exceeding Five Pounds nor less than Forty Shillings.

Penalty on purchasing Soldiers Necessaries, &c.

LXVI. And be it enacted, That any Person who shall unlawfully have in his or her Possession or Keeping, or who shall knowingly detain, buy, exchange, or receive from any Soldier or Deserter, or any other Person, on any Pretence whatsoever, or shall solicit or entice any Soldier, or shall be employed by any Soldier, knowing him to be such, to sell any Arms, Ammunition, Clothes, or Military Furniture, or any Provisions, or any Sheets or other Articles used in Barracks, provided under Barrack Regulations, or Regimental Necessaries, or any Article of Forage provided for any Horses belonging to Her Majesty's Service, or shall change the Colour of any Clothes as aforesaid, shall forfeit for every such Offence any Sum not exceeding Twenty Pounds, together with Treble Value of all or any of the several Articles of which such Offender shall so become possessed; and if any Person having been so convicted shall afterwards be guilty of any such Offence, and shall be convicted thereof by One or more Justices of the Peace, every such Offender shall for every such Offence, in addition to the Forfeiture of Treble Value of all or any of the several Articles of which such Offender shall have so become possessed, be committed to the Common Gaol or House of Correction, there to be imprisoned only, or to be imprisoned and kept to hard Labour for such Term not exceeding Six Calendar Months as the convicting Justice or Justices shall think fit; and upon any Information against any Person for a Second or any subsequent Offence a Copy of the Conviction, certified by the proper Officer having the Care or Custody of such Conviction, or any Copy of the same proved to be a true Copy, shall be sufficient Evidence to prove a Conviction of the former Offence; and if any credible Person shall prove on Oath before a Justice of the Peace, or Person exercising like Authority according to the Laws of the Part of Her Majesty's Dominions in which the Offence shall be committed, a reasonable Cause to suspect that any Person has in his or her Possession, or on his or her Premises, any Property of the Description herein-before described, on or with respect to which any such Offence shall have been committed, the Justice may grant a Warrant to search for such Property, as in the Case of stolen Goods; and if upon Search any such Property shall be found, the same shall and may be

be seized by the Officer charged with the Execution of such Warrant, who shall bring the Offender in whose Possession the same shall be found before such Justice, to be dealt with according to Law: Provided always, that it shall be lawful for the Legislature of each or of any of Her Majesty's Colonies, on the Recommendation of the Officer for the Time being administering the Government of any such Colony, but not otherwise, to make Provision by Law for reducing such pecuniary Penalty, if not exceeding Twenty Pounds, to such Amount as may to any such Legislature appear to be better adapted to the Ability and pecuniary Means of Her Majesty's Subjects, and others inhabiting the same, which reduced Penalty shall be sued for and recovered in such and the same Manner as the full Penalty hereby imposed: Provided always, that it shall be competent to Her Majesty, or to the Person administering the Government of any such Colony on Her Majesty's Behalf, to exercise, in respect of the Laws so to be passed as aforesaid, all such Powers and Authorities as are by Law vested in Her Majesty or in any such Officer as aforesaid in respect of any other Law made or enacted by any such Colonial Legislature.

LXVII. And be it enacted, That all the Persons (except such Recruiting Parties as may be stationed under Military Command) who shall cause to be advertised, posted, or dispersed Bills for the Purpose of procuring Recruits or Substitutes for the Line, Embodied Militia, or *East India* Company's Service, or shall open or keep any House, Place of Rendezvous, or Office, or receive any Person therein under such Bill or Advertisement, as connected with the Recruiting Service, or shall directly or indirectly interfere therewith without Permission in Writing from the Adjutant General, or from the Directors of the *East India* Company, (as the Case may be,) shall forfeit for every such Offence the Sum of Twenty Pounds.

Penalty on unlawful recruiting.

LXVIII. And be it enacted, That every Person, not being an authorized Army Agent, who shall negotiate or act as Agent for and in relation to the Purchase, Sale, or Exchange of any Commission in Her Majesty's Forces, shall forfeit for every such Offence the Sum of One hundred Pounds; and every Person, whether authorized or not as an Army Agent, who shall receive any Money or Reward in respect of any such Purchase, Sale, or Exchange, or shall negotiate or receive for any Purpose whatsoever any Money or Consideration where no Price is allowed by Her Majesty's Regulations, or any Money or Consideration exceeding the Amount so allowed, shall forfeit One hundred Pounds, and Treble the Value of the Consideration where the Commission is not allowed to be sold, or Treble the Excess of such Consideration beyond the regular Price.

Penalty on trafficking in Commissions.

LXIX. And for the better Preservation of Game and Fish in or near such Places where any Officers shall at any Time be quartered, be it enacted, That every Officer who shall, without Leave in Writing from the Persons entitled to grant such Leave, take, kill, or destroy any Game or Fish in the United Kingdom of *Great Britain* and *Ireland*, and upon Complaint thereof shall be,

Penalty on killing Game.

be, upon Oath of One or more credible Witnesses, convicted before any Justice, shall for every such Offence forfeit the Sum of Five Pounds.

Officers not liable to take Parish Apprentices.

LXX. And be it enacted, That no Officer of Her Majesty's Forces residing in Barracks or elsewhere under Military Law shall be deemed liable to have any Parish Poor Child bound Apprentice to him.

Mode of recording a Soldier's Settlement.

LXXI. And be it enacted, That any Justice in the United Kingdom, within whose Jurisdiction any Soldier in the Regular Army, or on the permanent Staff of the Militia, having a Wife or Child, shall be billeted, may summon such Soldier before him in the Place where he is billeted, (which Summons he is hereby directed to obey,) and take his Examination in Writing, upon Oath, touching the Place of his last legal Settlement in *England*, and such Justice shall give an attested Copy of such Examination to the Person examined, to be by him delivered to his Commanding Officer, to be produced when required; which said Examination and such attested Copy shall be at any Time admitted in Evidence as to such last legal Settlement before any Justice or at any General or Quarter Sessions, although such Soldier be dead or absent from the Kingdom; provided that in case any Soldier shall be again summoned to make Oath as aforesaid, then, on such Examination or such attested Copy thereof being produced by him or by any other Person on his Behalf, such Soldier shall not be obliged to take any other Oath with regard to his legal Settlement, but shall leave a Copy of such Examination, or a Copy of such attested Copy of Examination, if required.

Notification to Parishes of good or bad Conduct of Soldiers.

LXXII. And be it enacted, That the Churchwardens of every Parish in *England* and *Ireland*, and the Constables or other Officers of every Parish or Place in *Scotland*, on receiving a Notification from the Secretary at War of the Names of any Soldiers belonging to the said Parish who have, for meritorious Conduct in the Army, received Her Majesty's special Approbation, or who, in consequence of Misconduct, have been dismissed Her Majesty's Service with Disgrace, shall affix such Notification on the Outside of the Door of the Church or Chapel belonging to such Parish or Place on the *Sunday* next succeeding the Receipt of the said Notification.

Wages of a Servant enlisting.

LXXIII. And be it enacted, That it shall be lawful for the Justice, before whom any Recruit shall be attested before the Expiration of the Term of Service for which he had been hired by his Master, to adjudge to such Recruit a reasonable Proportion of his Wages for the Time he has actually served; and the said Justice shall make an Order for the Payment of the Amount so awarded, and, in case of Neglect or Refusal to pay the same within Four Days, shall issue his Warrant for levying the same, by Distress and Sale of the Goods and Chattels of the Master.

Licences of Canteens.

LXXIV. And be it enacted, That when any Persons shall hold any Canteens under proper Authority of the Board of Ordnance, it shall be lawful for any Two Justices, within their respective

respective Jurisdictions, to grant or transfer any Beer, Wine, or Spirit Licence to such Persons, without regard to Time of Year or to the Notices or Certificates required by any Act in respect of such Licences; and the Commissioners of Excise, or their proper Officers, within their respective Districts, shall also grant such Licences as aforesaid; and such Persons so holding Cantens, and having such Licences, may sell therein Victuals and Exciseable Liquors, as empowered by such Excise Licence, without being subject to any Penalty or Forfeiture.

LXXV. And be it enacted; That all Muster Rolls and Pay Lists which are required to be verified by Declaration shall be so verified before and attested by any Justice, without Fee or Reward to himself or to his Clerk.

Attestation of
Accounts.

LXXVI. And be it enacted, That any Action which shall be brought against any Person for any thing to be done in pursuance of this Act shall be brought within Six Months, and it shall be lawful for every such Person to plead thereunto the General Issue of Not Guilty, and to give all special Matter in Evidence to the Jury which shall try the Issue; and if the Verdict shall be for the Defendant in any such Action, or the Plaintiff therein become nonsuited or suffer any Discontinuance thereof, or if in *Scotland* such Court shall see fit to assoilzie the Defendant or dismiss the Complaint, the Court in which the said Matter shall be tried shall allow unto the Defendant Treble Costs, for which the said Defendant shall have the like Remedy as in other Cases where Costs by the Laws of this Realm are given to Defendants; and every Action against any Person for any thing to be done in pursuance of this Act, or against any Member or Minister of a Court-martial in respect of any Sentence of such Court, or of any thing done by virtue or in pursuance of such Sentence, shall be brought in some of the Courts of Record at *Westminster* or in *Dublin*, or the Court of Session in *Scotland*, and in no other Court whatsoever.

Form of
Actions at Law.

LXXVII. And be it enacted, That all Offences for which any Penalties and Forfeitures are by this Act imposed, not exceeding Twenty Pounds, over and above any Forfeiture of Value or Treble Value, shall and may be determined, and such Penalties and Forfeitures and Forfeiture of Value or Treble Value recovered, in every Part of the United Kingdom, by One or more Justice or Justices of the Peace, under the Provisions of an Act passed in the Third Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act to facilitate summary Proceedings before Justices of the Peace, and others*, and of another Act passed in the Fifth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for the more effectual Recovery of Penalties before Justices and Magistrates on Conviction of Offenders, for facilitating the Execution of Warrants by Constables*: Provided always, that in all Cases in which there shall not be sufficient Goods whereon any Penalty or Forfeiture can be levied, the Offender may be committed and imprisoned for any Time not exceeding Six Months; which said recited Acts shall be used and applied, in *Scotland*,

Recovery of
Penalties.

3 G. 4. c. 23.

5 G. 4. c. 18.

for

for the Recovery of all such Penalties and Forfeitures, as fully, to all Intents, as if the said recited Acts had extended to *Scotland*, any thing in the said recited Acts to the contrary notwithstanding; and all such Offences committed in the *British Isles*, or in any of Her Majesty's Dominions beyond the Seas, may be determined, and the Penalties and Forfeitures and Forfeiture of Value or Treble Value recovered, before any Justices of the Peace, or Persons exercising like Authority, according to the Laws of the Part of Her Majesty's Dominions in which the Offence shall be committed; and all Penalties and Forfeitures by this Act imposed exceeding Twenty Pounds shall be recovered by Action in some of the Courts of Record at *Westminster* or in *Dublin*, or in the Court of Sessions in *Scotland*, and in no other Court in the United Kingdom, and may be recovered in the *British Isles*, or in any other Parts of Her Majesty's Dominions, in any of the Royal or Superior Courts of such Isles or other Parts of Her Majesty's Dominions.

Appropriation
of Penalties.

LXXVIII. And be it enacted, That one Moiety of every Penalty, not including any Treble Value of any Articles, adjudged or recovered under the Provisions of this Act, shall go to the Person who shall inform or sue for the same, and the Remainder of the Penalty, together with the Treble Value of any Articles, or, where the Offence shall be proved by the Person who shall inform, the Whole of the Penalty, shall be paid to the General Agent for the Recruiting Service in *London* or *Dublin*, as the Case may be, to be at the Disposal of the Secretary at War, any thing in an Act passed in the Fifth and Sixth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to provide for the Regulation of Municipal Corporations in England and Wales*, or in any other Act or Acts, to the contrary notwithstanding; and every Justice who shall adjudge any Penalty under this Act shall, within Four Days at the farthest, report the same to the Secretary at War.

5 & 6 W. 4. c. 76.

Administration
of Oaths.

LXXIX. And be it enacted, That all Oaths and Declarations which are authorized and required by this Act may be administered (unless where otherwise provided) by any Justice of the Peace, or Magistrate acting as such; and that any Person taking a false Oath or Declaration in any Case wherein an Oath or Declaration is required to be taken by this Act shall be deemed guilty of wilful and corrupt Perjury or of making a false Declaration, and being thereof duly convicted shall be liable to such Pains and Penalties as by any Laws in force any Person convicted of wilful and corrupt Perjury are subject and liable to.

Perjury.

Duration of
Act.

LXXX. And be it enacted, That this Act shall be and continue in force within *Great Britain* from the Twenty-fifth Day of *April* One thousand eight hundred and forty-one inclusive until the Twenty-fifth Day of *April* One thousand eight hundred and forty-two; and shall be and continue in force within *Ireland*, and in *Jersey*, *Guernsey*, *Alderney*, *Sark*, and *Isle of Man*, and the Islands thereto belonging, from the First Day of *May* One thousand

thousand eight hundred and forty-one inclusive until the First Day of *May* One thousand eight hundred and forty-two; and shall be and continue in force within the Garrison of *Gibraltar*, the *Mediterranean*, and in *Spain* and *Portugal*, from the First Day of *August* One thousand eight hundred and forty-one inclusive until the First Day of *August* One thousand eight hundred and forty-two; and shall be and continue in force in all other Parts of *Europe* where Her Majesty's Forces may be serving, and in the *West Indies* and *America*, from the First Day of *September* One thousand eight hundred and forty-one inclusive to the First Day of *September* One thousand eight hundred and forty-two; and shall be and continue in force within the *Cape of Good Hope*, the *Isle of France* or *Mauritius* and its Dependencies, *Saint Helena*, and the Western Coast of *Africa*, from the First Day of *January* One thousand eight hundred and forty-two inclusive to the First Day of *January* One thousand eight hundred and forty-three; and shall be and continue in force in all other Places from the First Day of *February* One thousand eight hundred and forty-three inclusive to the First Day of *February* One thousand eight hundred and forty-four: Provided that this Act shall, from and after the Receipt and Promulgation thereof in General Orders in any Part of Her Majesty's Dominions beyond the Seas, become and be in full Force; any thing herein-before contained to the contrary notwithstanding.

LXXXI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

Act may be amended, &c.

SCHEDULES to which this Act refers.

FORM of OATHS to be taken by MEMBERS of COURTS-MARTIAL.

YOU shall well and truly try and determine according to the Evidence in the Matter now before you.

So help you GOD.

I do swear, That I will duly administer Justice, according to the Rules and Articles for the better Government of Her Majesty's Forces, and according to an Act now in force for the Punishment of Mutiny and Desertion, and other Crimes therein mentioned, without Partiality, Favour, or Affection, and if any Doubt shall arise which is not explained by the said Articles or Act, according to my Conscience, the best of my Understanding, and the Custom of War in the like Cases: And I further swear, That I will not divulge the Sentence of the Court until it shall be duly approved; neither will I, upon any Account, at any Time whatsoever, disclose or discover the Vote or Opinion of any particular Member of the Court-martial, unless required to give Evidence thereof as a Witness by a Court of Justice or a Court-martial in due Course of Law.

So help me GOD.

FORM

FORM of OATH of JUDGE ADVOCATE.

I do swear, That I will not, upon any Account whatsoever, disclose or discover the Vote or Opinion of any particular Member of the Court-martial, unless required to give Evidence thereof as a Witness by a Court of Justice or a Court-martial in a due Course of Law. So help me GOD.

QUESTIONS to be put separately by the JUSTICE to a RECRUIT:

Enlisting for unlimited Service.

1. What is your Name?
2. In what Parish, and in or near what Town, and in what County, were you born?
3. What is your Age?
4. What is your Trade or Calling?
5. Are you an Apprentice?
6. Are you married?
7. Are you ruptured or lame; have you ever been subject to Fits; or have you any Disability or Disorder which impedes the free Use of your Limbs, or unfits you for ordinary Labour?
8. Are you willing to be attested to serve in the Regiment of _____ until you shall legally be discharged?
9. On what Day and by whom were you enlisted?
10. For what Bounty did you enlist?
11. Do you now belong to the Militia?
12. Do you belong to any other Regiment, or to the Marines, Ordnance, or Navy?
13. Have you ever served in the Army, Marines, Ordnance, or Navy?

Note.—The Justice is directed, in putting the Eleventh Question to the Recruit, and before he receives his Answer, distinctly to apprise the Recruit that if he belongs to the Militia, and denies the Fact, he is liable to Six Months Imprisonment.

Enlisting for unlimited Service in Her Majesty's Colonies.

Question 8 is to be put by the Justice as follows:

8. Are you willing to be attested to serve in Her Majesty's Colony of _____ until you shall be duly and legally discharged?

Enlisting for limited Service.

The preceding Questions to be put by the Justice, except Question 8, which is to be as follows:

8. Are you willing to be attested to serve in the Regiment of _____ for the Period of [this Blank to be filled up by the Justice with Seven Years for Infantry, Ten Years for Cavalry, and Twelve Years for Artillery,

Artillery, if the Person enlisted is of the Age of Eighteen Years or upwards ; but if under the Age of Eighteen Years, then the Difference between his Age and Eighteen to be added to such Seven, Ten, or Twelve Years, as the Case may be,] Years, provided Her Majesty should for so long require your Service, and also for such further Term, not exceeding Six Months, as shall be directed by the Commanding Officer on any Foreign Station, and not exceeding Three Years, as shall be directed by any Proclamation of Her Majesty, such additional Period, in the latter Case, to determine whenever Six Months of continued Peace, to be reckoned from the Ratification of any definitive Treaty, shall have elapsed subsequent to the Expiration of the said [Seven, Ten, or Twelve, as the Case may be,] Years ?

Enlisting for either Her Majesty's or the East India Company's Service.

Question 8 is to be put by the Justice as follows :

8. Are you willing to be attested to serve in Her Majesty's Army, or in the Forces of the *East India Company*, according as Her Majesty shall think fit to order, until you shall be duly and legally discharged ?

Enlisting for the East India Company's Service.

Question 8 to be put by the Justice as follows :

8. Are you willing to be attested to serve the *East India Company* until you shall be legally discharged ? [*Or if the Recruit enlist for limited Service then insert, for the Period of Twelve Years, (if the Person enlisting is of the Age of Eighteen Years or upwards, but if under Eighteen Years, then the Difference between his Age and Eighteen to be added to such Twelve Years, as the Case may be, and such Period to be inserted instead of Twelve Years,) provided the said Company should so long require your Service ?]*

OATH to be taken by a RECRUIT enlisting for unlimited or limited Service.

I do make Oath, That the above Questions have been separately put to me ; that the Answers thereto have been read over to me ; and that they are the same that I gave, and are true.

I do also make Oath, That I will be faithful and bear true Allegiance to Her Majesty, Her Heirs and Successors, and that I will, as in Duty bound, honestly and faithfully defend Her Majesty, Her Heirs and Successors, in Person, Crown, and Dignity, against all Enemies, and will observe and obey all

Orders of Her Majesty, Her Heirs and Successors, and of the
Generals and Officers set over me. So help me GOD.
Witness my Hand

} Signature of
Recruit.

Witness present.

Sworn before me at this
Day of One thousand eight }
hundred and }
Signature of Justice _____

If enlisting for either Her Majesty's or the East India Company's Service, the following Addition is to be made to the foregoing Oath :

And that if Her Majesty, Her Heirs or Successors, shall please to appoint me to serve in the Forces of the *East India Company*, then I swear, that I will also be true to the said Company, and will duly observe and obey all their Orders, and the Orders of their Generals and Officers who shall be lawfully set over me.

If enlisting for the East India Company's Service, the following is to be added to the Oath :

And that I will also be true to the said Company, and will duly observe and obey all their Orders, and the Orders of their Generals and Officers who shall be lawfully set over me.

CERTIFICATE to be given by the JUSTICE.

Description of
Age, apparently
Height, Feet Inches.
Complexion,
Eyes,
Hair,

Any distinctive Mark.

to wit. } I one of Her Majesty's Justices of the
Peace of do hereby certify, That the
above is the Description of the Recruit and in
my Presence all the foregoing Questions were put to the
said ; that the Answers written opposite to them
are those which he gave to me; and that the First and Second
Articles of the Second Section of the Articles of War were
read over to him; that he took the Oath of Allegiance and
Fidelity; that he received the Sum of on
being attested this Day; and that I have given him a Duplicate
of this Certificate, signed with my Name.

Signature of Justice.

FORM of OATH to be taken by a MASTER whose Apprentice has absconded.

I of do make Oath, That I am by Trade a , and that was bound to serve as an Apprentice to me in the said Trade, by Indenture dated the Day of for the Term of Years; and that the said did on or about the Day of abscond and quit my Service without my Consent; and that to the best of my Knowledge and Belief the said is aged about Years. Witness my Hand at the Day of One thousand eight hundred and Sworn before me at this Day of One thousand eight hundred and }

FORM of JUSTICE'S CERTIFICATE to be given to the MASTER of an Apprentice.

to wit. } I one of Her Majesty's Justices of the Peace of certify, That of came before me at the Day of One thousand eight hundred and of and made Oath that he was by Trade a , and that was bound to serve as an Apprentice to him in the said Trade, by Indenture dated the Day of for the Term of Years; and that the said Apprentice did on or about the Day of abscond and quit the Service of the said without his Consent, and that to the best of his Knowledge and Belief the said Apprentice is aged about Years.

FORM of DECLARATION of ATTESTATION of a COMMISSARY'S ACCOUNTS.

I do solemnly and sincerely declare, That I have not applied any Money or Stores or Supplies, under my Care or Distribution, to my own Use, or to the private Use of any other Person by way of Loan to such Person or otherwise, or in any Manner applied them, or knowingly permitted them to be applied, to any other than public Purposes according to the Duty of my Office; and I make this solemn Declaration conscientiously believing the same to be true, and by virtue of the Provisions of an Act passed in the Fifth and Sixth Years of the Reign of His Majesty King *William* the Fourth, Chapter 62, for the Abolition of unnecessary Oaths, and for substituting Declarations in lieu thereof.

Declared before me by the within-named }
this Day of }

Justice of the Peace of , or *Commander in Chief*, or *Second in Command*, et cætera, *the Army serving in* et cætera [as the Case may be].

SCHEDULE (N.)

N^o DESCRIPTION RETURN of committed to Confinement
 at on the Day of as a Deserter
 from the Regiment of

Age	-	-	-	-	{		
Height	-	-	-	-	{	Feet.	Inches.
Complexion	-	-	-	-	{		
Hair	-	-	-	-	{		
Eyes	-	-	-	-	{		
Marks	-	-	-	-	{		
Probable Date of Enlistment, and where	-	-	-	-	{		
Probable Date of Desertion, and from what Place	-	-	-	-	{		
Name and Occupation and Address of the Person by whom apprehended	-	-	-	-	{		
Particulars in the Evidence on which the Prisoner is committed	-	-	-	-	{		
Whether the Prisoner was apprehended or voluntarily surrendered himself as a Deserter	-	-	-	-	{		
Whether the Prisoner confessed before the Magistrate that he is a Deserter	-	-	-	-	{		

I do hereby certify, that the Prisoner has been duly examined before me as to the Circumstance herein stated, and has declared in my Presence that he* a Deserter from the above-mentioned Corps.

Signature and Address of Magistrate.

Signature of Prisoner.

Signature of Informant.

* Insert "is" or "is not," as the Case may be.

I certify that I have inspected the Prisoner, and consider him* for Military Service.

Signature of Military Medical Officer, or of Private Medical Practitioner.

* Insert "fit" or "unfit," as the Case may be; and if unfit, state the Cause of Unfitness.

CAP. III.

An Act for the Regulation of Her Majesty's Royal Marine Forces while on shore. [30th *March* 1841.]

WHEREAS it is judged necessary for the Safety of the United Kingdom, and the Defence of the Possessions of this Realm, that a Body of Royal Marine Forces should be employed in Her Majesty's Fleet and Naval Service, under the Direction of the Lord High Admiral of the said United Kingdom, or the Commissioners for executing the Office of Lord High Admiral aforesaid: And whereas the said Forces may frequently be quartered or be on shore, or sent to do Duty or be on board Transport Ships, or Merchant Ships or Vessels, or Ships or Vessels of Her Majesty, or other Ships or Vessels, or they may be under other Circumstances in which they will not be subject to the Laws relating to the Government of Her Majesty's Forces by Sea: And whereas no Man can be forejudged of Life or Limb, or subjected in Time of Peace to any Kind of Punishment within this Realm, by Martial Law, or in any other Manner than by the Judgment of his Peers, and according to the known and established Laws of this Realm; yet nevertheless it being requisite for the retaining of such Forces in their Duty that an exact Discipline be observed, and that Marines who shall mutiny or stir up Sedition, or shall desert Her Majesty's Service, or be guilty of any other Crime in breach of good Order and Discipline, be brought to a more exemplary and speedy Punishment than the usual Forms of the Law will allow:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Twenty-fifth Day of *April* One thousand eight hundred and forty-one, if any Person who is or shall be commissioned or in Pay as an Officer of Royal Marines, or who is or shall be listed or in Pay as a Non-commissioned Officer, Drummer, or Private Man in Her Majesty's Royal Marine Forces, shall at any Time during the Continuance of this Act, while on shore in any Place within the said Kingdom, or in any other of Her Majesty's Dominions, or in any Foreign Parts out of such Dominions, or on board any Transport Ship, or Merchant Ship or Vessel, or any Ship or Vessel of Her Majesty, or on board any Convict Hulk or Ship, or any other Ship or Vessel, or in any other Place, or while being in any Circumstances in which he shall not be subject to the Laws relating to the Government of Her Majesty's Forces by Sea, begin, excite, cause, or join in any Mutiny or Sedition in Her Majesty's Marine or other Forces, or shall not use his utmost Endeavours to suppress any such Mutiny or Sedition, or coming to the Knowledge of any Mutiny or intended Mutiny shall not without Delay give Information thereof to his Commanding

Crimes punishable by Death.

Officer; or shall misbehave himself before the Enemy; or shall shamefully abandon or deliver up any Garrison, Fortress, Post, or Guard committed to his Charge, or which he shall be commanded to defend; or shall compel the Governor or Commanding Officer of any Garrison, Fortress, or Post to deliver up to the Enemy or to abandon the same; or shall speak Words or use any other Means to induce such Governor or Commanding Officer or any other to misbehave before the Enemy, or shamefully to abandon or deliver up any Garrison, Fortress, Post, or Guard committed to their respective Charge, or which he or they shall be commanded to defend; or shall leave his Post before relieved, or shall be found sleeping on his Post; or shall hold Correspondence with or give Advice or Intelligence to any Rebel, Pirate, or Enemy of Her Majesty, either by Letters, Messages, Signs, Tokens, or any other Ways or Means whatever; or shall treat or enter into any Terms with any such Rebel, Pirate, or Enemy, without the Licence of the Lord High Admiral of the said United Kingdom, or the Commissioners for executing the Office of Lord High Admiral aforesaid for the Time being; or shall strike or use or offer any Violence against his Superior Officer being in the Execution of his Office, or shall disobey any lawful Command of his Superior Officer, or shall desert Her Majesty's Service; every Person so offending in any of the Matters before mentioned shall suffer Death or such other Punishment as by a Court-martial shall be awarded.

The ordinary Course of Law not to be interfered with.

II. Provided always, and be it enacted, That nothing in this Act contained shall be construed to exempt any Officer or Marine from being proceeded against by the ordinary Course of Law for Crimes thereby cognizable; and any Commanding Officer who shall neglect or refuse, when due Application shall be made to him for that Purpose, to deliver over to the Civil Magistrate any Officer or Marine charged with any Capital Crime, or with any Violence or Offence against the Person or Property of any of Her Majesty's Subjects punishable by the known Laws of the Land, or who shall wilfully neglect or refuse to assist any Peace Officer in apprehending any such Offender, shall, upon Conviction thereof in any of Her Majesty's Courts at *Westminster*, *Dublin*, or *Edinburgh*, be deemed to be *ipso facto* cashiered, and shall be utterly disabled to hold any Civil or Military Office or Employment in Her Majesty's Service; and a Certificate of such Conviction shall be transmitted to the Secretary of the Admiralty: Provided always, that no Person who shall have been tried before any of the ordinary Courts of Law for any Crime cognizable in such Courts shall be liable to be punished for the same by any Court-martial otherwise than by cashiering.

Marines not to be taken away from the Service for Debts under 30*l*.

III. And be it enacted, That no Person enlisted in Her Majesty's Service as a Marine shall be liable to be arrested or taken therefrom by the Warrant of any Magistrate or other Process for not supporting or for leaving chargeable on any Parish, Township, or Union any Wife or any Child or Children,

nor,

nor, except in the Case of an Apprentice, on account of any Breach of Contract or Engagement to serve or work for any Employer; and that no Marine shall be liable to be arrested and taken out of Her Majesty's Service for Debt by any Process or Execution whatsoever, unless an Affidavit shall be first duly made and filed by the Plaintiff in the Suit, or by some one on his Behalf, for which no Fee shall be taken, that the original Debt for which the Action has been brought amounts to the Sum of Thirty Pounds at least, over and above all Costs in that or any other Action, a Memorandum of which Oath shall be marked on the Back of such Process and of the Warrant grounded thereon; and in case any Person shall nevertheless contrary hereto be arrested, it shall be lawful for any Judge of the Court out of which the Process shall have issued, and he is hereby required, upon Complaint made by the Person arrested, or by his Superior Officer, and upon due Proof thereof being made to him that such Arrest was made contrary to the Intent and Meaning of this Act, to discharge the Person so arrested out of Custody, and also to award to the Party complaining such Costs as such Judge shall think reasonable; for the Recovery whereof he shall have the like Remedy by Writ of Execution as that which the Plaintiff in the Suit might have had in case Judgment had been given for him in the Action: Provided always, that any Plaintiff upon Notice in Writing of the Cause of Action to be first given to any Marine, or left with the Adjutant of the Division to which he shall belong, may, in case no Appearance shall be entered in due Time, file a Common Appearance for him, in any Action brought for the Recovery of a Debt, and may proceed therein to Judgment and Outlawry, and may have Execution thereon other than against the Body of the Defendant.

IV. And be it enacted, That it shall be lawful for the said Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral aforesaid, to make, ordain, and establish Rules and Articles of War under the Hand of the said Lord High Admiral, or under the Hands of any Two or more of the said Commissioners, for the better Government of Her Majesty's Royal Marine Forces, and for the Punishment of Mutiny, Desertion, Immorality, Breach of Discipline, Misbehaviour, Neglect of Duty, and any other Offence or Misconduct of which they shall be guilty, in any Place on shore or afloat in or out of Her Majesty's Dominions, or at any Time when or under any Circumstances in which they shall not be amenable to the Laws for the Government of Her Majesty's Ships, Vessels, and Forces by Sea, or to the Discipline of the Royal Navy, which Rules and Articles shall be judicially taken notice of by all Judges and in all Courts whatsoever; and Copies of the same shall, as soon as conveniently may be after the same shall have been made, be transmitted by the Secretary of the Admiralty for the Time being (certified under his Hand) to the Judges of Her Majesty's Superior Courts at *Westminster*, *Dublin*, and *Edinburgh* respectively, and also to the Governors of Her

Lord High
Admiral, &c.
may make
Articles for
the Punish-
ment of Mutiny,
Desertion, &c.

Majesty's Dominions abroad: Provided always, that no Person within the United Kingdom of *Great Britain* and *Ireland*, or the *British Isles*, shall be subject by such Rules and Articles to be transported as a Felon, or to suffer any Punishment extending to Life or Limb, for any Crime which is not expressed to be so punishable by this Act, nor in any Manner which shall not accord with the Provisions of this Act.

Lord High Admiral, &c. may grant Commissions for holding General Courts-martial, &c.

V. And be it enacted, That it shall be lawful for the said Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral aforesaid, from Time to Time to grant Commissions or Warrants under the Hand of the said Lord High Admiral, or under the Hands of any Two or more of the said Commissioners, for the holding of General and other Courts-martial within the United Kingdom of *Great Britain* and *Ireland*, and elsewhere out of the same, in like Manner as has been heretofore used, and for bringing Offenders against this Act and the Articles of War to Justice, and to erect and constitute Courts-martial, as well within the said United Kingdom and the *British Isles* as in any of Her Majesty's Garrisons or Dominions, or elsewhere beyond the Seas, and to grant Commissions or Warrants for the Officer or Officers commanding in chief or commanding for the Time being any of Her Majesty's Royal Marine Forces, as well within the said United Kingdom as Her Majesty's other Dominions, and in any Foreign Parts out of the same Dominions, for convening, as well as for authorizing any Officer not below the Degree of a Field Officer to convene, Courts-martial, as Occasion may require, for the Trial of Offences committed by any of the Royal Marine Forces under their Command, whether the same shall have been committed before or after such Officer shall have taken upon himself such Command; and any Person subject to this Act, who shall in any of Her Majesty's Dominions or elsewhere commit any of the Offences for which he may be liable to be tried by Court-martial by virtue of this Act, may be tried and punished for the same in any Part of Her Majesty's Dominions, or other Place where he may have come after the Commission of the Offence, as if the Offence had been committed where such Trial shall take place.

Composition of General Courts-martial.

VI. And be it enacted, That a General Court-martial, convened in any Part of the Queen's Dominions, (*Bermuda*, the *Bahamas*, *Saint Helena*, *Africa*, and the *Australian Colonies* excepted,) or in the Settlements of the *East India Company*, or elsewhere, shall consist of not less than Thirteen Commissioned Officers, and if convened in *Bermuda* or the *Bahamas*, or out of the Queen's Dominions (excepting *Saint Helena*, *Africa*, and the *Australian Colonies*), shall have not less than Seven, and in *Saint Helena*, *Africa*, and the *Australian Colonies* not less than Five Commissioned Officers; and in all Cases no Judgment of Death shall pass without the Concurrence of Two Thirds at the least of the Members present; and the President shall in no Case be the Officer commanding in chief or Governor of the Garrison where the Offender shall be tried, nor under the

Degree of a Field Officer, unless where a Field Officer cannot be had, nor in any Case whatsoever under the Degree of a Captain.

VII. And be it enacted, That all and every Court-martial shall have Power and Authority and is hereby required to administer the requisite Oath, in the usual Form, to every Person who shall be examined as a Witness before any such Court-martial, previous to his giving Evidence thereat.

Courts-martial to administer Oaths.

VIII. And be it enacted, That in all Trials by General Courts-martial to be held by virtue of this Act, the President and every Member of such Court shall, before any Proceedings be had thereupon, take the Oaths for that Purpose set forth in the Schedule to this Act annexed, before the Judge Advocate or Person officiating as such, and on Trials by other Courts-martial before the President thereof, who are hereby respectively authorized to administer the same; and so soon as such Oaths shall have been administered to the respective Members, the President of the Court (having himself taken the said Oath, to be administered to him by any sworn Member,) is hereby authorized and required to administer to the Judge Advocate, or the Person officiating as such, the Oath in the Schedule to this Act for that Purpose annexed; and that no Proceeding or Trial shall be had upon any Offence but between the Hours of Eight of the Clock in the Morning and Four in the Afternoon, except in Cases which may require an immediate Example, and except in the *East Indies*, where such Trial may be held between the Hours of Six in the Morning and Four in the Afternoon.

Proceedings of Courts-martial.

IX. ' And whereas it may be expedient in many Cases that Officers of the Land Forces should be associated with Royal Marine Officers for the Purpose of holding Courts-martial; be it enacted, That when and as often as it shall be deemed necessary it shall and may be lawful for Officers of Royal Marines and of the Land Forces to sit in conjunction on any Court-martial to be held under the Authority of this Act, and to proceed on the Trial of any Marine Officer, Non-commissioned Officer, Drummer, or Private Man, in like Manner to all Intents and Purposes as if such Court-martial were composed of Marine Officers only, and whether the Officer by whose Order such Court-martial is assembled belong to the Land or the Marine Forces; and the Officers composing such Court shall in such Cases take Rank according to the Seniority of their Commissions in either Service.

Officers of the Marine and Land Forces may sit in conjunction on Courts-martial.

X. And be it enacted, That a General Court-martial may sentence any Marine to Imprisonment, solitary or otherwise, and with or without hard Labour, in any public Prison or other Place which the Court may appoint, or to Corporal Punishment not extending to Life or Limb, for Immorality, Misbehaviour, or Neglect of Duty; but no such solitary Confinement shall exceed One Month at a Time, or Three Months at different Times, with Intervals of not less than One Month between such Times in One Year; and a General Court-martial may,

General Courts-martial may sentence Offenders to Imprisonment, &c.

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in addition to any such Punishment as aforesaid, sentence any Offender to Forfeiture of all Advantage as to additional Pay, and Pension] on Discharge, which might have otherwise accrued from the Length of his former Service, or to Forfeiture of such Advantage absolutely, whether it might have accrued from past Service or might accrue from future Service, according to the Nature of the Case; and whensoever any General Court-martial by which any Marine shall have been tried and convicted of any Offence punishable with Death shall not think the Offence deserving of Capital Punishment, such Court-martial may, instead of awarding a Corporal Punishment or Imprisonment, adjudge the Offender, according to the Degree of the Offence, to be transported as a Felon for Life or for any certain Term of Years, or to general Service as a Soldier in any Corps and in any Country or Place which Her Majesty shall be pleased to direct, or if such Offender shall have enlisted for any limited Term, may sentence him to serve for Life as a Soldier in any Corps which Her Majesty shall be pleased to direct; and such Court may, in addition to any other Punishment, sentence any such Offender to forfeit all Advantage as to Increase of Pay, or as to Pension on Discharge, which might otherwise have accrued to such Offender from the Length of his former Service, or to Forfeiture of such Advantage absolutely, whether it might have accrued from past Service or might accrue from future Service, according to the Nature of the Case: Provided always, that in all Cases where a Capital Punishment shall have been awarded by a General Court-martial it shall be lawful for Her Majesty, instead of causing such Sentence to be carried into execution, to order the Offender to be transported as a Felon, either for Life or for a certain Term of Years, as to Her Majesty shall seem meet.

District or
Garrison
Courts-martial.

XI. And be it enacted, That a District or Garrison Court-martial shall consist of not less than Seven Commissioned Officers, except in *Bermuda*, the *Bahamas*, *Saint Helena*, *Africa*, and the *Australian* Colonies, where it may consist of not less than Five Commissioned Officers; and that it shall be lawful for such Court, whether assembled under the Authority of this Act or of an Act of the present Session of Parliament, for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters, to proceed to try any Marine or Marines below the Rank of a Commissioned Officer for any Offence committed by any of them while serving in conjunction with Her Majesty's Land Forces or otherwise, and to sentence any such Marine to any Imprisonment, solitary or otherwise, and with or without hard Labour, in any public Prison or other Place which such Court may appoint, or to Corporal Punishment not extending to Life or Limb, for any such Offence; but no such solitary Confinement shall exceed One Month at a Time, or Three Months at different Times, with Intervals of not less than One Month between such Times in One Year; and such Court may, in addition to either of the said Punishments, sentence a Marine to Forfeiture of all Advantage

tage as to additional Pay, and to Pension on Discharge, which might have otherwise accrued from the Length of his former Service, or to Forfeiture of such Advantage absolutely, whether it might have accrued from past Service or might accrue from future Service, according to the Nature of the Case, for disgraceful Conduct in wilfully maiming or injuring himself, or any other Marine at the Instance of such Marine, with Intent to render himself or such other Marine unfit for the Service; in tampering with his Eyes; in malingering, feigning Disease, absenting himself from Hospital whilst under Medical Care, or other gross Violation of the Rules of any Hospital, thereby wilfully producing or aggravating Disease or Infirmity, or wilfully delaying his Cure; in purloining or selling Government Stores; in stealing any Money or Goods the Property of a Comrade, of a Military Officer, or of any Military, Divisional, or Regimental Mess; in producing false or fraudulent Accounts or Returns; in embezzling or fraudulently misapplying Public Money intrusted to him; or for any other disgraceful Conduct, being of a cruel, indecent, unnatural, felonious, or fraudulent Nature; and such Offender may be further put under Stoppages, not exceeding Two Thirds of his daily Pay, until the Amount be made good of any Loss or Damage arising out of his Misconduct; and if any Marine shall be convicted of any such disgraceful Conduct, and shall be sentenced to Forfeiture of his Claim to Pension, the Court may further recommend him to be discharged with Ignominy from Her Majesty's Service; and any such Court shall deprive a Marine, if convicted of the Charge of habitual Drunkenness, of his Liquor, or of his Allowance in lieu of Beer or Liquor, or of any Proportion thereof, or of any Portion of additional or daily Pay, for any Period not exceeding Two Years, subject to Restoration on subsequent good Conduct; and in addition to any such Punishment, the Court may, if it shall think fit, sentence such Offender to Imprisonment or to Corporal Punishment; provided that in all the foregoing Cases the Sentence of a District or Garrison Court-martial shall be confirmed by the General Officer, Governor, or Senior Officer in command of the District, Garrison, Island, or Colony; and the President of every Court-martial other than a General Court-martial, not being under the Rank of Captain, shall be appointed by the Officer convening such Court-martial: Provided always, that such District or Garrison Court-martial shall not have Power to pass any Sentence of Death or Transportation.

XII. And be it enacted, That, provided there be no Superior Officer of Her Majesty's Land Forces present in command of a District, Garrison, Station, or Place where Marines may be serving, it shall be lawful for any Officer of the Royal Marine Corps of the Degree of Field Officer, and holding a Commission from the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, for that Purpose, but not otherwise, to convene or assemble a District or Garrison Court-martial, to be composed as afore-stated, and for such Court to proceed to try any Marine or Marines, below the Rank of Com-

If no Superior Officer of Land Forces is present in command of a District, &c. an Officer of Marines may convene a Court-martial.

Com-

Commissioned Officer, for any of the afore-mentioned Offences cognizable by a District or Garrison Court-martial, and that such Courts so convened shall possess the same Power and Authority in awarding Punishments in all respects as if the Court had been assembled under the Act afore-mentioned, for punishing Mutiny and Desertion in the Army: Provided always, that the Sentence so awarded shall not be carried into effect until the Senior Officer of the Royal Marines in the District, Garrison, Station, or Place, not being a Member of the Court, shall have confirmed the same.

Divisional
Courts-martial.

XIII. And be it enacted, That in Cases of Mutiny and gross Insubordination or of any Offences committed on the Line of March, the Offence may be tried by a Divisional Court-martial, and the Sentence confirmed and carried into execution on the Spot by the Officer in the immediate Command of the Troops; provided that the Sentence shall not exceed that which a Divisional Court-martial is competent to award; and a Divisional Court-martial may try any Marine for habitual Drunkenness, and may sentence any Marine to Imprisonment, with or without hard Labour, for any Period not exceeding Forty Days, and to solitary Confinement not exceeding Twenty Days: Provided also, that when the Imprisonment so to be adjudged shall be part solitary and part otherwise, the whole Period, including the solitary Part thereof, shall not exceed Twenty Days, and shall be divided into Periods not exceeding Ten Days each; and a Divisional Court-martial may sentence any Marine, for being drunk when on or for Duty or Parade or on the Line of March, to be deprived of a Penny a Day of his Pay for any Period not exceeding Thirty Days, in addition to any other Punishment which such Court may award; and any such Court shall deprive a Marine convicted of habitual Drunkenness of his Liquor, when issued in Kind, or of his Allowance in lieu of Beer or Liquor, or of such Proportion thereof, or of such Portion of his additional or regular Pay, for such Period, not exceeding Six Months, as may accord with the Articles of War, subject to Restoration on good Conduct.

Detachment
Courts-martial.

XIV. And be it enacted, That it shall be lawful for any Officer commanding any distinct Detachment or Portion of Her Majesty's Royal Marine Forces which may at any Time be serving out of Her Majesty's Dominions, upon Complaint made to him of any Offence committed against the Property or Person of any Inhabitant of or Resident in any such Countries by any Person under the immediate Command of any such Officer, to summon and cause to be assembled a Court-martial, which shall consist of not less than Three Officers, for the Trial of any such Person, notwithstanding such Officer shall not have received any Warrant empowering him to assemble Courts-martial; and every such Court-martial shall have the same Powers in regard to summoning and examining Witnesses, Trial of and Sentence upon Offenders, as are granted by this Act to General Courts-martial: Provided that no Sentence of any such Detachment Court-martial shall be executed until the General commanding in chief the Army to which the Division, Brigade, Detach-

Detachment, or Party to which any Person so tried shall belong shall have approved and confirmed the same.

XV. And be it enacted, That every Marine convicted of Desertion by any General, District, or Garrison Court-martial, or of Felony in any Court of Criminal Judicature in the United Kingdom, or of any Crime or Offence in any Court of Civil or Criminal Judicature in any Dominion, Territory, Colony, Settlement, or Island belonging to or occupied by Her Majesty out of the United Kingdom, which would if committed therein be Felony, shall thereupon forfeit all Advantage as to additional Pay, and to Pension on Discharge, which might have otherwise accrued from the Length of his former Service, in addition to any other Punishment which such Court may award; and it shall be lawful for any General or District or Garrison Court-martial assembled to try the Crime of Desertion, in addition to any other Punishment such Court may award, to direct that the Offender be marked on the Left Side, Two Inches below the Arm-pit, with the Letter D, such Letter not to be less than an Inch long, and to be marked on the Skin with some Ink or Gunpowder, or other Preparation, so as to be visible and conspicuous, and not liable to be obliterated.

Marking a
Deserter.

XVI. And be it enacted, That every Officer and other Person employed in the Care or Distribution of any Money, Provisions, Forage, or Stores belonging to Her Majesty's Royal Marine Forces or for their Use, who shall embezzle or fraudulently misapply, or cause to be embezzled or fraudulently misapplied, or shall wilfully suffer any Money, Provisions, Forage, Arms, Clothes, Ammunition, or other Military or Royal Marine Stores to be embezzled or fraudulently misapplied, or to be spoiled or damaged, may be tried for the same by a General Court-martial, which is hereby empowered to adjudge any such Offender to be transported as a Felon for Life or for any certain Term of Years, or to suffer such Punishment of Fine, Imprisonment, Dismissal from Her Majesty's Service, with Incapacity of serving Her Majesty in any Office, Civil or Military, as such Court shall think fit, according to the Nature and Degree of the Offence; and that such Person shall, in addition to any other Punishment, make good at his own Expence the Loss and Damage thereby sustained, to be ascertained by such Court-martial, which shall have Power to sentence the Offender to be imprisoned until the same, and any Fine which may be imposed, be paid and satisfied to Her Majesty.

Trial and Punishment for
Embezzlement.

XVII. And be it enacted, That all Witnesses, whether Military or otherwise, duly summoned by the Judge Advocate, or the Person appointed to officiate as such, or by the President of a General, District, Garrison, or Divisional Court-martial, or by the Adjutant at the Head Quarters of the Division at which any such Court shall be appointed to be held, to give Evidence on any Court-martial, shall, during their necessary Attendance in such Courts, and in going to and returning from the same, be privileged from Arrest, and shall, if nevertheless arrested contrary to the Intent of this Act, be forthwith discharged out of Custody

Witnesses.

tody by the Order of the Court out of which the Writ or Process for such Arrest was issued, and if such Court shall not be then sitting, then by the Order of any Judge or Baron of the Courts at *Westminster* or *Dublin*, or of the Courts of Session in *Scotland*, or Courts of Law elsewhere, as the Case may require, upon its being made appear to such Court or Judge, by Affidavit in a summary Way, that such Witness was arrested in going to or returning from or attending such Court-martial; and every Person so duly summoned as a Witness who shall not attend, or attending shall refuse to be sworn, or being sworn shall refuse to give Evidence at any such Court-martial, or to answer all such Questions as the Court may legally demand of him, shall be liable to be attached, proceeded against, and punished in the Court of Queen's Bench at *Westminster* or *Dublin*, or Court of Session or other Court of Law, or elsewhere, in the same Manner as Persons disobeying the Subpcena to testify, or any similar Process of such Courts, are liable to be proceeded against and punished.

Transportation
of Offenders.

XVIII. And be it enacted, That whenever Her Majesty shall intend that any Sentence of Transportation heretofore or hereafter to be passed by a General Court-martial shall be carried into execution for the Term specified in such Sentence, or for any shorter Term, or shall be graciously pleased to commute as herein-before provided any Sentence of Death which shall have been passed by any such Court, such Sentence, together with Her Majesty's Pleasure upon the same, shall be notified in Writing by the Lord High Admiral, or by any Two or more of the Commissioners for executing the said Office of Lord High Admiral, for the Time being, to any Justice of the Queen's Bench, Common Pleas, or Baron of the Exchequer, and thereupon such Justice or Baron shall make an Order for the Transportation of such Offender upon the Terms and for the Time which shall be specified in such Notification, and shall also do all such other Acts consequent upon the same as any such Justice or Baron is authorized to make or do by any Statute or Statutes in force at the Time of making any such Orders in relation to the Transportation of Offenders; and such Order, and other Acts to be so made and done as aforesaid, shall be obeyed and executed by such Person in whose Custody such Offender shall at that Time be, and by all other Persons whom it may concern, and shall be as effectual, and have all the same Consequences, as any Order made under the Authority of any Statute with respect to any Offender in such Statute mentioned; and every Sheriff, Gaoler, Keeper, Governor, or Superintendent whom it may concern, and all Constables and other Persons, shall be bound to obey the aforesaid Order and Orders, be assistant in the Execution thereof, and be liable to the same Punishment for Disobedience or interrupting the Execution of the same, as they would be if the same had been made under the Authority of any other Act of Parliament; and every Person so ordered to be transported as aforesaid shall be subject respectively to all and every the Penalties and Provisions made by Law and in
force

force concerning Persons convicted of any Crime and sentenced to be transported, or receiving Her Majesty's Pardon on Condition of Transportation; and from the Time when such Order of Transportation shall be made every Law and Statute in force touching the Escape of Felons, or their afterwards returning, or their being at large without Leave, shall apply to such Offender, and to all Persons aiding, abetting, contriving, or assisting in any Escape or intended Escape or the returning without Leave of any such Offender; and the Judge who shall make any Order of Transportation as aforesaid shall direct the Notification of Her Majesty's Pleasure, and his own Order made thereupon, to be filed and kept of Record in the Office of the Clerk of the Crown of the Court of Queen's Bench, and the said Clerk shall have a Fee of Two Shillings and Sixpence only for filing the same, and shall, on Application, deliver a Certificate in Writing (not taking more than Two Shillings and Sixpence for the same) to such Offender or to any Person applying in his or Her Majesty's Behalf, showing the Christian and Surname of such Offender, his Offence, the Place where the Court was held before which he was convicted, the Sentence and the Conditions on which the Order of Transportation was given; which Certificate shall be sufficient Proof of the Conviction and Sentence of such Offender, and also of the Terms on which such Order for his Transportation was given, in any Court and in any Proceeding wherein it may be necessary to inquire into the same.

XIX. And be it enacted, That when any Sentence of Death shall be commuted for Transportation, or when any Marine shall by Court-martial be adjudged to be transported, as authorized by this Act, it shall be lawful for the Commanding Officer of the Division to which such Marine shall have belonged to cause him to be conveyed to the nearest Ship for the Reception of Convicts, or if there shall be no such Ship in the Neighbourhood of the Division, then to the Gaol of the County in which such Division shall be stationed, there to remain in safe Custody until he shall be removed therefrom by due Authority under an Order for his Transportation to be made by some Justice of the Queen's Bench or Common Pleas or Baron of the Exchequer as aforesaid; and that a Certificate of his Sentence, after the same shall have been approved by the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, (such Certificate to be signed by the Commanding Officer of the Division from which he shall be sent,) shall be a sufficient Order, Requisition, and Authority to the Superintendent or Chief Officer of the Convict Ship, or the Sheriff or the Keeper of the Gaol of the County, as the Case may be, to receive and detain him: Provided always, that in case of any such Offender being so conveyed to the Gaol of the County, the usual Allowance of Sixpence *per Diem* shall be made to the Keeper of the Gaol for the Subsistence of such Offender during his Detention therein, which Allowance shall be paid by the Paymaster of the Division upon Production to him by the said Keeper of a Declaration,

Disposal of
Convict after
Sentence of
Transportation.

Declaration, to be made by him before One of Her Majesty's Justices of the Peace of such County, of the Number of Days during which the Offender shall have been so detained and subsisted in such Gaol.

Imprisonment
of Offenders.

XX. And be it enacted, That in all Cases of any Person belonging to the Royal Marine Forces being sentenced by any General or other Court-martial to Imprisonment in any House of Correction, Common Gaol, or Public Prison, the Gaolers and Keepers of such Houses of Correction, Gaols, or Prisons respectively shall receive into their Custody every such Person upon receiving an Order in Writing for that Purpose from the Commanding Officer of the Division at which such Court-martial shall have been held, together with a Copy of the Sentence attested by the said Commanding Officer, and shall detain him in Confinement in the Manner and for the Period mentioned in such Sentence, or until he be duly discharged, or shall deliver him up to such Person producing an Order in Writing to that Effect from any such Commanding Officer, although the Period for which he was committed shall not have expired; and every such Gaoler or Keeper refusing or neglecting to receive and confine any such Person, pursuant to such Sentence, or to discharge him upon any such Order, shall, on being convicted thereof, forfeit for every such Offence the Sum of One hundred Pounds.

One Pentagon
in the Peniten-
tiary at Mill-
bank to be
appropriated
as a Prison
for Marine
Offenders.

XXI. And be it enacted, That One Pentagon in the General Penitentiary at *Millbank*, to be selected by the Superintending Committee of the said Penitentiary, with the Approbation of one of Her Majesty's Principal Secretaries of State, shall be deemed to be a Prison within the Meaning of any Act now in force or hereafter to be in force for punishing Mutiny and Desertion; and that any Marine convicted by a Court-martial may be sent by Order of the Commissioners for executing the Office of Lord High Admiral to such Pentagon, there to undergo Imprisonment, with or without hard Labour or solitary Confinement, or such other Punishment as may be awarded by his Sentence, and during the Time specified in the said Order, or until he be discharged before the Expiration of that Time by an Order duly made for that Purpose.

Powers and
Duties of the
Person to be
appointed
Superintendent
of said Penta-
gon.

XXII. And be it enacted, That the Person who shall for the Time be intrusted by the Superintending Committee or Visitor of the said Penitentiary with the Charge of the same Pentagon shall be deemed to be the sole Superintendent thereof, and shall perform the same Duties and exercise the same Powers and Authorities in relation to such Pentagon, and to the Officers exclusively belonging thereto, and to the Marines confined therein, as the Governor of the said Penitentiary shall perform and exercise in relation to the other Pentagons, Officers, and Prisoners in the said Penitentiary, any thing in any Act to the contrary notwithstanding; subject nevertheless to such peculiar Regulations as the said Superintending Committee, with the Approbation of one of the Principal Secretaries of State, may from Time to Time make in relation to such Pentagon, and

to

to the Superintendent and Officers thereof, and to the Marines confined therein: Provided always, that nothing herein contained shall prevent any Marine confined in the said Pentagon from being taken to the Chapel or Infirmary of the said Penitentiary.

XXIII. And be it enacted, That whenever it shall be deemed expedient it shall be lawful for the said Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, for the Time being, by any Order in Writing to be made for that Purpose, under the Hand of the said Lord High Admiral, or the Hands of Two or more of the Commissioners aforesaid, and the Seal of the Office of Admiralty, to change the Place of Confinement expressed in any Sentence of a Court-martial to be held under the Authority of this Act, either previous to the Commitment of the Offender or under any such Sentence, or at any Time during the Period of his Confinement, and so from Time to Time as often as it shall be deemed requisite; and the Gaoler or other Person having the Custody of such Offender shall, immediately on the Receipt of any such Order, remove and convey such Offender to the Gaol, Prison, or House of Correction mentioned in the said Order so to be made as aforesaid (for the Charges of which Removal and Conveyance he shall be allowed a Sum not exceeding One Shilling *per* Mile); and every Gaoler or Keeper of such last-mentioned Gaol or House of Correction shall thereupon, and upon being furnished with a Copy of the Sentence of Confinement, and of such Order of Removal, (such Copies respectively to be attested by the Secretary of the Admiralty for the Time being,) receive into his Custody and shall confine, pursuant to such Sentence, every such Offender, under the like Penalty and Forfeiture, in case of Refusal or Neglect, as is lastly hereinbefore provided.

Place of Confinement of Offenders may be changed.

XXIV. And be it enacted, That all Crimes and Offences committed against any former Act made for the Regulation of the Royal Marine Forces while on Shore, or against any of the Rules, Regulations, or Articles of War made and established by virtue of the same, may, during the Continuance of this Act, be inquired of and punished in like Manner as if they had been committed against this Act; and every Warrant for holding any Court-martial under any former Act shall remain in full Force notwithstanding the Expiration of such Act; and all Proceedings of any Court-martial upon any Trial begun under the Authority of such former Act shall not be discontinued by the Expiration of the same: Provided always, that no Person shall be liable to be tried and punished for any Offence against any of the said Acts or Articles of War which shall appear to have been committed more than Three Years before the issuing of the Commission or Warrant for such Trial, unless the Person accused, by reason of his having absented himself, or of some other manifest Impediment, shall not have been amenable to Justice within that Period, in which Case such Person shall be liable to be tried at any Time not exceeding Two Years after

Offenders against former Mutiny Acts may be tried under this Act.

Limitation as to Time.

the Impediment shall have ceased; and provided also, that if any Officer or Marine in any Place beyond the Seas shall commit any of the Offences punishable by Court-martial under this Act, and shall escape, and come or be brought into this Realm before he be tried for the same, he shall, when apprehended, be tried for the same as if such Offence had been committed within this Realm.

Appeal.

Revision of Sentence.

XXV. And be it enacted, That no Person who shall have been acquitted or convicted of any Offence at any Court-martial shall be liable to be tried a Second Time for the same Offence, except in the Case of an Appeal from a Divisional to a General Court-martial against a Conviction; and that no Sentence of any Court-martial, signed by the President thereof, shall be liable to be revised more than once; and no Witness shall be examined nor shall any additional Evidence be received by the Court on such Revision.

Forfeiture of Pay.

XXVI. And be it enacted, That no Marine who shall absent himself without Leave, or who shall desert, shall be entitled to receive any Pay for the Time during which he shall have been absent from his Duty without due Authority; nor shall any Marine be entitled to Pay, or to reckon Service towards Pay or Pension, for any Period during which he shall be in Confinement under the Sentence of any Court, or shall be absent on any Charge cognizable by any Justice of the Peace or by any Court of Criminal Judicature, or by reason of any Arrest for Debt, or while he shall be in Confinement or absent as a Prisoner of War; but if any Marine shall absent himself without Leave for any Period not exceeding Five Days, and shall not account for such Absence to the Satisfaction of his Commanding Officer, it shall be lawful for such Officer, if he shall think fit, in addition to such other Punishment as he has Authority to inflict, to deprive any such Marine of his Pay for the Days on which he shall have been so absent, and thereupon such Pay shall be forfeited; in which Case such Marine shall not be liable to be afterwards tried by a Court-martial for such Absence: Provided always, that any Marine so deprived of his Pay shall have a Right to insist on being tried by a Court-martial for his Offence instead of submitting to such Forfeiture; and if acquitted of the Offence for which he shall have been in Confinement shall, upon his Return to his Duty, be allowed, with the Authority and Consent of the Commissioners for executing the Office of Lord High Admiral, but not otherwise, to receive the Arrears of Pay and to reckon Service for the Time he shall have been so absent; and when a Marine shall rejoin Her Majesty's Service upon his Release from Confinement as a Prisoner of War due Inquiry shall be made by a Court-martial into the Circumstances of his Case, and if it shall be proved to the Satisfaction of such Court that such Marine became a Prisoner without wilful Neglect or Fault on his Part, and that he hath not served with or in any Manner aided the Enemy, and that he hath returned as soon as he possibly could to Her Majesty's Service, he may thereupon be recommended by such Court to the

the said Commissioners to receive the Whole or any Proportion of his Pay, and to reckon Service for the Time he shall have been so absent; and provided also, that it shall be lawful for the said Commissioners to order or withhold the Payment of the Pay of any Officer or Marine for the Period during which he shall have been absent from any of the Causes aforesaid.

XXVII. And be it enacted, That every Judge Advocate or Person officiating as such at any General Court-martial, or the President of any other Court-martial, shall transmit, with all reasonable Expedition, the original Proceedings and Sentence thereof to the Secretary of the Admiralty for the Time being; and that the Person tried by any General Court-martial shall, upon Application to the Secretary of the Admiralty, be entitled at any Time after the Expiration of Three Calendar Months from the Date of such Sentence, but not sooner, whether such Sentence be approved or not, to a Copy of the Proceedings and Sentence, upon paying reasonably for the same, according to the Length thereof; provided that such Application as aforesaid shall have been made within the Space of Three Years from the Date of the Approval or other final Decision upon the Proceedings before such General Court-martial.

Report of Proceedings of Courts-martial.

XXVIII. And be it enacted, That every Marine shall be liable to be tried and punished for Desertion from any Corps into which he may have enlisted, or from Her Majesty's Service, although he may of right belong to the Corps from which he shall have originally deserted; and if such Person shall be claimed as a Deserter by the Corps to which he originally belonged, and be tried as a Deserter therefrom, or shall be tried as a Deserter from any other Corps into which he may have enlisted, or if he shall be tried while actually serving in some Corps for Desertion from any other Corps, every Desertion previous or subsequent to that for which he shall be under Trial, as well as every previous Conviction for any other Offence, may be given in Evidence as an Aggravation of the Crime for which he shall be under Trial; and in like Manner, in the Case of any Marine tried for any Offence whatever, any previous Convictions may be given in Evidence against him; provided that no such Evidence shall be received in any Case until after the Court shall have found the Prisoner guilty of the Offence for which he shall be so under Trial, and then only for the Purpose of fixing Punishment; and provided that in all Cases previous Notice shall have been given to the Offender of the Intention to produce such Evidence at his Trial; and provided also, that before such Evidence shall be received it shall be shown to the Satisfaction of the Court that such Notice had been duly given to him, and the Court shall in no Case award to him any greater or other Punishment than may by this Act or by the Articles of War be awarded for the Crime for which he shall be under Trial.

Subsequent Enlistment no Protection from Punishment for Desertion.

XXIX. And be it enacted, That it shall be lawful for the Constable of any Place where any Person reasonably suspected to be a Deserter shall be found, or of any adjoining Place, and

Apprehension of Deserters.

if no such Constable can be immediately met with to secure him, then for any Officer, Marine, or other Soldier in Her Majesty's Service, to apprehend or cause such suspected Person to be apprehended, and cause him to be brought before any Justice living in or near such Place, and acting for the same or any adjoining County, who shall examine such suspected Person; and if, by his Confession, or the Testimony of One or more Witnesses upon Oath, or by the Knowledge of such Justice, it shall appear that any Person brought before him is a Marine unlawfully absent from his Duty, such Justice shall forthwith cause him to be conveyed to the nearest or most convenient public Prison in the same or any next adjoining County, and shall transmit an Account thereof, in the Form prescribed for that Purpose in the Schedule annexed to this Act, to the Secretary of the Admiralty, with a Description of the Person of such Deserter, and the Name of the Division to which he shall belong, and also certifying the Names of the Persons by whom the Deserter was apprehended; and if the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, shall be satisfied such last-mentioned Persons are justly entitled to a Reward for such Apprehension, the said Secretary shall in return transmit to such Justice an Order upon the proper Department for the Payment of the Sum of Twenty Shillings as a Reward to the Persons so certified to be entitled thereto; which Reward shall be paid and charged against the Pay and Subsistence of any such Deserter, and stopped out of the same: Provided always, that no Fee or Reward shall be taken by any Justice or his Clerk in respect of any Information, Commitment, or Report in the Case of any such Deserter.

Fraudulent
Confession of
Desertion.

XXX. And be it enacted, That any Person who shall voluntarily deliver himself up as a Deserter from Her Majesty's Royal Marine Forces, or who, upon being apprehended for any Offence, shall, in the Presence of the Justice, confess himself to be a Deserter as aforesaid, shall be deemed to have been duly enlisted and to be a Marine, and shall be liable to serve in Her Majesty's Royal Marine Forces, whether such Person shall have been ever actually enlisted as a Marine or not; and in case such Person shall not be a Deserter from the Royal Marine Forces, or shall have been discharged therefrom or from any other Corps as unserviceable or by Sentence of Court-martial, or shall be incapable of Service, he shall be liable to be punished as a Rogue and Vagabond, by summary Conviction, before any Justice of the Peace, or may be prosecuted and punished for obtaining Money under false Pretences; and the Confession and receiving Subsistence as a Marine by such Person shall be Evidence of the false Pretence and of the obtaining Money to the Amount of the Value of such Subsistence, and the Value of such Subsistence so obtained may be charged in the Indictment as so much Money received by such Person; and in case such Person shall have been previously convicted of the like Offence, or as a Rogue and Vagabond

bond for making a fraudulent Confession of Desertion, such former Conviction may be alleged in the Indictment, and may be proved upon the Trial of such Person; and in such Indictment for a Second Offence it shall be sufficient to state that the Offender was at a certain Time and Place convicted of obtaining Money under false Pretences as a Deserter, or as a Rogue and Vagabond for making a fraudulent Confession of Desertion, without otherwise describing the said Offence; and a Certificate containing the Substance and Effect only (omitting the formal Part) of the Indictment and Conviction for the former Offence, purporting to be signed by the Clerk of the Court or other Officer having the Custody of the Record of the Court where the Offender was first convicted, or by the Deputy of such Clerk, or by the Clerk of the convicting Magistrates, shall, upon Proof of the Identity of the Person of the Offender, be sufficient Evidence of the First Conviction, without Proof of the Signature or official Character of the Person appearing to have signed the same; and if the Person so confessing himself to be a Deserter shall be serving at the Time in Her Majesty's Royal Marine Forces he shall be deemed to be and shall be dealt with as a Deserter.

XXXI. ' And whereas it has been judged expedient, for the Prevention of Desertion, to establish Outlying Parties in the Vicinity of the respective Divisions of Royal Marines for the Purpose of intercepting such Men as may straggle or attempt to desert from Head Quarters, and it is fit that Encouragement should be given to Persons composing such Parties to be diligent and active in their Duty in this Behalf; be it therefore enacted, That for and in respect of every Marine so straggling or attempting to desert, who may be apprehended at a greater Distance from Head Quarters than is allowed by the Articles of War, the Party or Parties by whom he shall be apprehended shall be entitled to a Reward of Ten Shillings to be paid upon the delivering up of such Marine; which Sum of Ten Shillings shall be charged against and stopped and retained out of the Pay and Subsistence of every such Marine, in like Manner as the Reward or Sum of Twenty Shillings is herein-before directed to be charged against, stopped, and retained out of the Pay and Subsistence of every Deserter.

Reward for apprehending Marines attempting to desert.

XXXII. And be it enacted, That every Person who shall in any Part of Her Majesty's Dominions directly or indirectly persuade any Marine to desert, or shall assist any Deserter from Her Majesty's Royal Marine Service in deserting or in concealing himself from such Service, knowing him to be such Deserter, shall forfeit for every such Offence the Sum of Twenty Pounds.

Penalty for inducing or assisting to desert.

XXXIII. And be it enacted, That the Gaoler or other Person having the immediate Superintendence of any Prison, Gaol, or House of Correction shall diet and supply every Marine in his Custody with Fuel and other Necessaries according to the Regulations of the Prison to which he shall be so committed, and shall receive on account of every such Marine, during his

Custody and Subsistence of Deserters.

Imprisonment, Sixpence *per Diem* for his Subsistence, to be issued out of the Pay of such Marine, upon Application in Writing to the Secretary of the Admiralty, signed by any Justice within whose Jurisdiction such Prison shall be locally situated, together with a Copy of the Order of Commitment, and which Sum of Sixpence *per Diem* shall be carried to the Credit of the Fund from which the Expence of such Prison is defrayed; and all Gaolers and Keepers of Prisons shall and they are hereby authorized and required to receive and confine every Deserter from the Royal Marines who shall be delivered into their Charge by any Officer, Soldier, or Marine conveying any such Deserter under lawful Authority, on the Production of the Warrant or Authority on which such Deserter shall have been taken or detained; and every Gaoler or Keeper so receiving a Deserter shall be entitled to One Shilling for the safe Custody of him, while halted on the March, and to such daily Subsistence as is herein-before provided for the Maintenance of Marines confined under any Sentence or otherwise.

Notice of Expiration of Imprisonment.

XXXIV. And be it enacted, That every Gaoler, having Notice that any Person in his Custody is a Marine liable to serve Her Majesty, shall, previous to the Expiration of the Period of the Imprisonment of such Marine, give One Month's Notice, or if there shall not be sufficient Time for a Month's Notice, then the longest practicable Notice thereof, to the Secretary of the Admiralty.

Penalty for forcible Entry.

XXXV. And be it enacted, That every Marine Officer who shall, without Warrant from One or more of Her Majesty's Justices, forcibly enter into or break open the Dwelling House or Outhouses of any Person whomsoever, under Pretence of searching for Deserters, shall, upon due Proof thereof, forfeit the Sum of Twenty Pounds.

Enlisting and swearing of Recruits.

XXXVI. And be it enacted, That every Person who shall receive Enlisting Money to serve in the Royal Marines from any Person employed in the Recruiting Service, he being an Officer, Non-commissioned Officer, or attested Marine, shall be deemed to be enlisted as a Marine in Her Majesty's Service, and while he shall remain with the Recruiting Party shall be entitled to be billeted; and every Person who shall enlist any Recruit shall first ask the Person offering to enlist whether he does or does not belong to the Militia, and shall cause to be taken down in Writing the Name and Place of Abode of such Recruit, and if such Recruit shall not reside in or in the Vicinity of the Town or Place where he offered to enlist, the Place also at which he shall declare that he intends to sleep, in order that, within Forty-eight but not sooner than Twenty-four Hours (any intervening *Sunday* not included) after his having received the Enlisting Money, Notice of his having so enlisted be given to the Recruit, or left at his usual Place of Abode, or at the Place where he stated that it was his Intention to sleep; and when any Person shall be enlisted as a Marine he shall within Four Days (any intervening *Sunday* not included), but not sooner than Twenty-four Hours (any intervening *Sunday*

day

day not included), after such Enlisting, unless he shall voluntarily have absented himself or absconded, appear, together with some Person employed in the Recruiting Service of the Party with which he shall have enlisted, before a Justice residing in the Vicinity of the Place, and acting for the Division or District where such Recruit shall have been enlisted, and not being an Officer in the Marines; and if such Recruit shall declare his having voluntarily enlisted, the said Justice shall put to him the several Questions contained in the Schedule to this Act annexed, and shall record or cause to be recorded in Writing his Answers thereunto; and the said Justice is hereby required forthwith to cause the Answers so recorded in Writing, and the several Articles of War against Mutiny and Desertion, to be read over in his own Presence to such Recruit, and to administer to such Recruit the Oath in the Schedule to this Act annexed applicable to the Case of a Recruit; and the said Justice is hereby required to give, under his Hand, the Certificate in the Schedule to this Act annexed; and if any such Recruit so to be certified shall refuse to take the Oath in the Schedule to this Act annexed before the said Justice, it shall be lawful for the Officer or Non-commissioned Officer with whom he enlisted to detain and confine such Person until he shall take the said Oath of Fidelity.

XXXVII. And be it enacted, That any Recruit appearing within Four Days as aforesaid before such Justice shall be at liberty to declare his Dissent to such Enlisting, and upon such Declaration and returning the Enlisting Money, and also paying the Sum of Twenty Shillings for the Charges expended upon him, together with the full Amount of Subsistence and Beer Money which shall have been paid to such Recruit subsequent to his Enlistment, shall be forthwith discharged in the Presence of such Justice; but if such Person shall refuse or neglect, within the Space of Twenty-four Hours after so declaring his Dissent, to return and pay such Money as aforesaid, he shall be deemed and taken to be enlisted as if he had given his Assent thereto before the said Justice; and it shall also be lawful for any Justice to discharge any Person who shall have hastily enlisted, and who shall apply to him to declare his Dissent within such Four Days as aforesaid, upon Payment of the Sum of Money required to be paid by any Recruit declaring his Dissent under this Act, notwithstanding no Person belonging to the Recruiting Party shall be with the Recruit, provided it shall appear to such Justice, upon Proof to his Satisfaction, that the Recruiting Party has left the Place where such Recruit was enlisted, or that the Recruit could not procure any Person belonging to such Party to go with him before the Justice; and the Sum paid by such Recruit upon his Discharge shall be kept by the Justice, and paid to any Person belonging to the Recruiting Party entitled thereto, and demanding the same: Provided always, that no Recruit who has actually though erroneously been discharged by the Justice before the Expiration of Twenty-four Hours after the Time of his Enlistment shall be liable on that

Dissent and
Relief from
Enlistment.

Account to be proceeded against as having deserted from Her Majesty's Service; and the Justice who shall discharge any Recruit shall in every Case give to him a Certificate under his Hand, specifying the Cause thereof.

Apprentices enlisting to be liable to serve after the Expiration of their Apprenticeship.

XXXVIII. And be it enacted, That any Person duly bound as an Apprentice, who shall enlist into Her Majesty's Royal Marine Forces, and shall state to the Magistrate before whom he shall be attested that he is not an Apprentice, shall be deemed guilty of obtaining Money by false Pretences, and shall, after the Expiration of his Apprenticeship, whether he shall have been so convicted and punished or not, be liable to serve as a Marine, and if on the Expiration of his Apprenticeship he shall not deliver himself up to some Officer authorized to receive Recruits may be taken as a Deserter from Her Majesty's Royal Marine Forces.

Punishment of Apprentices enlisting.

XXXIX. And be it enacted, That no Apprentice claimed by his Master shall be taken from any Division, Detachment, Recruiting Party, or Ship of Her Majesty, except under a Warrant of a Justice residing near and within whose Jurisdiction such Apprentice shall then happen to be, and before whom he shall be carried; and such Justice shall inquire into the Matter upon Oath (which Oath he is hereby empowered to administer), and require the Production and Proof of the Indenture, and that Notice of the said Warrant has been given to and a Copy left with the Officer under whose Command the Apprentice shall then be, and that such Person so enlisted declared that he was no Apprentice; and such Justice, if required by such Officer, shall commit the Offender to the Common Gaol of the said Place where the Apprentice shall be apprehended, and shall keep the Indenture to be produced when required, and shall bind over such Person as he may think proper to give Evidence against the Offender, who shall be tried at the next or next succeeding General or Quarter Sessions of the County, Division, or Place, unless the Court shall on just Cause put off the Trial; and the Production of the Indenture, with the Certificate of the Justices that the same was proved, shall be sufficient Evidence of the said Indenture; and every such Offender in *Scotland* may be tried by the Judge Ordinary in the County or Stewartry, in such and the like Manner as any Person may be tried in *Scotland* for any Offence not inferring a Capital Punishment; and any Justice not required as aforesaid to commit such Apprentice may deliver him to his Master: Provided always, that every Apprentice who shall enlist into the Royal Marines during the Period of his Apprenticeship shall be deemed guilty of a Misdemeanor, and upon Conviction be liable to the same Punishment as Offenders convicted of obtaining Money under false Pretences are liable to; and every such Apprentice shall, after the Expiration of his Apprenticeship, whether he shall have been prosecuted or not, be liable to serve in Her Majesty's Royal Marine Forces; and if on the Expiration of his Apprenticeship he shall not deliver himself up to some Officer authorized to receive Recruits, he may

be apprehended as a Deserter from Her Majesty's Marine Forces.

XL. And be it enacted, That if any Recruit shall receive the Enlisting Money from any Person employed in the Recruiting Service (knowing it to be such), and shall abscond or refuse to go before a Justice, or shall absent himself from the Recruiting Party or Person with whom he enlisted, and shall not voluntarily return to go before some Justice within such Period of Four Days as aforesaid, such Recruit shall be deemed to be enlisted and a Private in Her Majesty's Royal Marine Forces, as fully to all Intents and Purposes as if he had been duly attested, and may be apprehended and punished as a Deserter, or for being absent without Leave, under any Articles of War made for the Punishment of Mutiny and Desertion; and such Recruit shall not be discharged by any Justice of the Peace after the Expiration of such Four Days as aforesaid, unless it shall be proved to the Satisfaction of such Justice that the true Name and Residence of the Recruit were disclosed and known to the Recruiting Party, and that no Notice was given to the Recruit, or left at his usual Place of Abode, of his having so enlisted; provided that in every Case wherein any Recruit shall have received Enlisting Money, and shall have absconded from the Party, so that it shall not be possible immediately to apprehend and bring him before a Justice, the Officer or Non-commissioned Officer commanding the Party shall produce, to the Justice before whom the Recruit ought regularly to have been brought for Attestation, a Certificate of the Name and Place of Residence of such Recruit; and the Justice to whom such Certificate shall be produced shall, after satisfying himself that the Recruit who had absconded cannot be found and apprehended, transmit a Duplicate thereof to the Secretary of the Admiralty, in order that, in the Event of such Recruit being afterwards apprehended and reported as a Deserter, the Fact of his having received Enlisting Money, and having absconded after having been enlisted, may be ascertained before he shall be finally adjudged to be a Deserter; and any Recruit who shall enlist into Her Majesty's Royal Marine Forces, and who shall be discovered to be incapable of active Service by reason of any Infirmity concealed or not declared by such Recruit before the Justice at the Time of his Attestation, and mentioned therein, may be transferred into a Garrison or Veteran or Invalid Battalion, and shall be entitled to receive such Proportion or Residue of Bounty only as the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, may allow in that Behalf, instead of the Bounty upon which such Man shall have been enlisted, any Act or any Rules and Regulations to the contrary notwithstanding; and it shall be lawful for any Two Justices before whom any Recruit shall be brought, and who shall be proved upon Oath before them to have wilfully concealed his having been a Marine or Soldier and discharged, or to have concealed his having been discharged on any prior Enlistment, or to have wilfully concealed any Infirmity upon being attested,

Offences connected with Enlistment.

or

7 & 8 G. 4. c. 29.

9 G. 4. c. 55.

or designedly made any false Representation, to adjudge such Person, if in *England* or *Ireland*, to be a Rogue and Vagabond, and to sentence him to such Punishment as by any Law in force may be inflicted on Rogues and Vagabonds and Vagrants and incorrigible Rogues, and to adjudge such Person, if in *Scotland*, to be imprisoned in any Prison or House of Correction for any Period not exceeding Six Months, and with or without hard Labour; and any Recruit who shall designedly, make any false Representation of any Particular contained in the Oaths and Certificates in the Schedule to this Act annexed before the Justice at the Time of his Attestation, and shall thereby obtain any Enlisting Money or any Bounty for entering into Her Majesty's Service, or any other Money, shall be deemed guilty of obtaining Money under false Pretences, within the true Intent and Meaning, if in *England*, of an Act, intituled *An Act for consolidating and amending the Laws in England relative to Larceny and other Offences connected therewith*; and if in *Ireland*, of an Act passed in the Ninth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for consolidating and amending the Laws in Ireland relative to Larceny and other Offences connected therewith*, and such Recruit, if in *Scotland*, shall be deemed guilty of Falsehood, Fraud, and wilful Imposition; and the Production of such Certificate, and Proof of the Handwriting of the Justice giving such Certificate, shall be sufficient Evidence of such Party having represented the several Particulars contained in the Oath sworn by him, and specified in the Certificate of the Justice at the Time of his having been attested; and that Proof by the Oath of One or more credible Witnesses that the Person so prosecuted hath voluntarily acknowledged that at the Time of his Enlistment he belonged to the Militia, or to any Regiment in Her Majesty's Service, or to Her Majesty's Navy or Marines, or Ordnance, shall be deemed and taken as Evidence of the Fact so by him acknowledged, without Production of any Roll or other Document to prove the same; and such Proof of such Acknowledgment shall be certified to the Secretary of the Admiralty by the Justice before whom such Proof shall have been given; and any Man who, having been enrolled to serve in the Militia, and who at the Time of offering to enlist into the Marines shall deny that he is a Militia Man, or shall deny to the Justice before whom he shall be attested that he belongs to the Militia, shall, on Conviction thereof before any One Justice in the United Kingdom, either upon the Oath of One Witness or upon his own Confession, or upon the Production of the Attestation and the before-mentioned Acknowledgment of such Person, certified by the Secretary of the Admiralty, be committed to the Common Gaol or House of Correction, there to remain without Bail or Mainprize for and during any Time not exceeding Six Calendar Months, over and above any Penalty or Punishment to which such Person so offending may be otherwise liable; and shall from the Day on which his Engagement to serve in the Militia shall end, and not sooner, belong as a Soldier to the

Division

Division of Her Majesty's Royal Marine Forces into which he has so enlisted: Provided also, that every such Person shall be liable to serve in Her Majesty's Royal Marine Forces in which he has so enlisted, during all the Time the Militia to which he shall belong shall remain disembodied, or shall not be called out for Training or Exercise, and shall during all such Time be subject to all the Provisions of this Act, and be liable to be apprehended and dealt with and punished as a Deserter from the Marines if he shall neglect or refuse to join and serve therein.

XLI. And be it enacted, That it shall be lawful for the Justice before whom any Recruit (being a hired Servant) shall be attested, before the Expiration of the Term of Service for which he shall have been hired, to adjudge to such Recruit a reasonable Proportion of his Wages for the Time he shall have actually served, to be forthwith paid by the Master, upon whom the said Justice shall make an Order accordingly, and if the same be not paid within Four Days shall enforce the Payment thereof by the same Means as pecuniary Penalties may under this Act be recovered before a Justice.

Yearly Servants enlisting to be entitled to a Proportion of their Wages.

XLII. And be it enacted, That every Marine Officer who shall designedly act contrary to the Provisions of this Act in any respect regarding the enlisting and attesting of Recruits for Her Majesty's Service shall, upon Proof thereof upon Oath by Two Witnesses before a General Court-martial, be cashiered, and disabled to hold any Civil or Military Office or Employment in Her Majesty's Service.

Penalty on Officers offending as to Enlistment.

XLIII. And be it enacted, That no Master shall be entitled to claim an Apprentice who shall enlist as a Marine in Her Majesty's Service, unless such Master shall, within One Calendar Month next after such Apprentice shall have left his Service, go before some Justice, and take and subscribe the Oath mentioned in the Schedule to this Act annexed, and at the Time of making his Claim produce to the Officer under whose Command the Recruit shall be the Certificate of such Justice of his having taken such Oath, which Certificate such Justice is required to give in the Form in the Schedule to this Act annexed; nor unless such Apprentice shall have been bound, if in *England*, for the full Term of Seven Years, (not having been above the Age of Fourteen when so bound,) and, if in *Ireland* or in the *British Isles*, for the full Term of Five Years at the least, (not having been above the Age of Sixteen when so bound,) and, if in *Scotland*, for the full Term at least of Four Years, by a regular Contract of Indenture of Apprenticeship, duly extended, signed, and tested, and binding on both Parties by the Law of *Scotland*, prior to the Period of Enlistment, and unless such Contract or Indenture in *Scotland* shall, within Three Months after the Commencement of the Apprenticeship and before the Period of Enlistment, have been produced to a Justice of the Peace of the County in *Scotland* wherein the Parties reside, and there shall have been endorsed thereon by such Justice a Certificate or Declaration signed by him, specifying the Date when and the Person by whom such Contract or Indenture

Claims of Masters to Apprentices.

Indenture shall have been so produced, which Certificate or Declaration such Justice of the Peace is hereby required to endorse and sign; nor unless any such Apprentice shall, when claimed by such Master, be under Twenty-one Years of Age; provided that any Master of an Apprentice indentured for the Sea Service shall be entitled to claim and recover him in the Form and Manner above directed, notwithstanding such Apprenticeship may have been bound for a less Term than Seven, Five, or Four Years as aforesaid; and any such Master who shall give up the Indentures of Apprenticeship within One Month after the enlisting of such Apprentice shall be entitled to receive, to his own Use, so much of the Bounty payable to such Recruit, after deducting therefrom Two Guineas to provide him with Necessaries, as shall not have been paid to such Recruit before Notice given of his being an Apprentice.

Musters, and
Penalty on
false Musters.

XLIV. And be it enacted, That Musters, as have been customary, shall be taken of every Division or Company of Royal Marines once in every Calendar Month, as shall be appointed; and no Officer or Marine shall be absent from any such Muster, unless duly certified to be employed on some other Duty of the Corps, or sick, or in Prison, or on Furlough; and every Person belonging to Her Majesty's Service who shall give or procure to be given any untrue Certificate, thereby to excuse any Person from any Muster or other Service which he ought to attend or perform, or shall make any false or untrue Muster of Man or Horse, or shall willingly allow or sign any false Muster or Duplicate thereof, or shall directly or indirectly take or receive any Money or Gratuity for mustering any Person, or for signing any Muster Roll or Duplicate, or shall knowingly muster any Person by a wrong Name, shall, upon Proof by Two Witnesses before a General Court-martial, for any such Offence be forthwith cashiered, and disabled to have or hold any Civil or Military Office or Employment in the Service of Her Majesty; and any Person who shall fraudulently offer or procure himself to be falsely mustered, or lend or furnish any Horse to be falsely mustered, shall, upon Proof thereof by the Oaths of Two Witnesses before some Justice of the Peace residing near to the Place where such Muster shall be made, forfeit the Sum of Twenty Pounds, and the Informer, if he belong to Her Majesty's Service, shall, if he demand it, be forthwith discharged; and if any Person not belonging to Her Majesty's Service shall give or sign any untrue Certificate of Illness or otherwise, in order to excuse any Officer or Marine from Appearance at any Muster, or whereby Her Majesty's Service may be defrauded, every Person so offending shall for every such Offence forfeit the Sum of Twenty Pounds.

Verifying of
Muster Rolls.

XLV. And be it enacted, That all Muster Rolls and Pay Lists of Royal Marines required to be verified upon Oath shall be sworn before and attested by any Justice of the Peace, without Fee or Reward to himself or his Clerk.

Extension of
Furlough in
case of Sickness.

XLVI. And be it enacted, That when there shall not be any Officer of Her Majesty's Land or Marine Forces of the Rank of Captain or of a superior Rank, or any Adjutant of Militia,

Militia, within convenient Distance of the Place where any Non-commissioned Officer or Marine on Furlough shall be detained by Sickness or other Casualty rendering necessary any Extension of such Furlough, it shall be lawful for any Justice, who shall be satisfied of such Necessity, to grant an Extension of Furlough for a Period not exceeding One Month; and the said Justice shall immediately certify such Extension, and the Cause thereof, to the Commanding Officer of the Division or Detachment to which the Man belongs, if known, and if not, then to the Secretary of the Admiralty, in order that the necessary Allowance of Pay and Subsistence may be remitted to the Marine, who shall not during the Period of such Extension of Furlough be liable to be treated as a Deserter; provided always, that nothing herein contained shall be construed to exempt any Marine from Trial and Punishment, according to the Provision of this Act, for any false Representation made by him in that Behalf to the said Officer or Justice so extending the Furlough, or for any Breach of Discipline committed by him in applying for and obtaining the said Extension of Furlough.

XLVII. And be it enacted, That every Marine upon being discharged from the Service shall be entitled to an Allowance (not exceeding in any Case the Amount of Twenty-one Days Marching Money) to enable him to reach his Home, which Allowance shall be calculated according to the Distance he has to travel: Provided always, that no Person who shall purchase his own Discharge, or be discharged on account of Misbehaviour, or at his own Desire, before the Expiration of his Period of Service, shall be entitled to any such Allowance.

Marching
Money on
Discharge.

XLVIII. 'And whereas there is and may be Occasion for the 'marching and also for the quartering of the Royal Marine 'Forces when on shore;' be it enacted, That during the Continuance of this Act, upon the Order or Orders in Writing in that Behalf under the Hand of the Lord High Admiral, or the Hands of Two or more of the Commissioners for executing the Office of Lord High Admiral, for the Time being, it shall be lawful for all Constables and other Persons specified in this Act, in *England* and *Ireland*, and they are hereby required, to billet the Officers and Marines, whether marching or otherwise, and also all Staff and Field Officers Horses, and all Bât and Baggage Horses belonging to the Royal Marine Forces, when on actual Service, (not exceeding for each Officer the Number for which Forage is allowed by Her Majesty's Regulations,) in Victualling Houses and other Houses specified in this Act, taking care in *Ireland* not to billet less than Two Men in any One House; and they shall be received by the Occupiers of such Houses, and be furnished with proper Accommodation in such Houses, and in *England* with Diet and Small Beer, and with Stables, Hay, and Straw for such Horses as aforesaid, paying and allowing for the same the several Rates herein-after provided; and at no Times when Marines are on a March shall any of them be billeted above One Mile from the Place mentioned in the Route; and in all Places where Marines shall be billeted

Billeting of
Marines.

billeted in pursuance of this Act, the Officers and their Horses shall be billeted in one and the same House, except in case of Necessity; and the Constables are hereby required to billet all Marines on their March in a just and equal Proportion upon the Keepers of all Houses within One Mile of the Place mentioned in the Route, although some of such Houses may be in the adjoining County, in like Manner in every respect as if such Houses were therein locally situate: Provided always, that nothing herein contained shall be construed to extend to authorize any Constable to billet Marines out of the County to which such Constable belongs, when the Constable of the adjoining County shall be present, and undertake to billet the due Proportion of Men in such adjoining County; and no more Billets shall at any Time be ordered than there are effective Marines and Horses present to be billeted; all which Billets, when made out by such Constables, shall be delivered into the Hands of the Commanding Officer present; and if any Person shall find himself aggrieved by having an undue Proportion of Marines billeted in his House, and shall prefer his Complaint, if against a Constable or other Person not being a Justice, to One or more Justices, and if against a Justice, then to Two or more Justices, within whose Jurisdiction such Marines are billeted, such Justices respectively shall have Power to order such of the Marines to be removed and to be billeted upon other Persons, as they shall see Cause; and when any Horses belonging to the Officers of Her Majesty's Royal Marine Forces shall be billeted upon the Occupiers of Houses who shall have no Stables, then, upon a written Requisition of the Officer commanding such Marines, the Constable is hereby required to billet the Horses upon some other Person having Stables by this Act liable to have Officers and Marines billeted upon them, and any Two or more Justices of the Peace may order a proper Allowance to be paid by the Persons relieved to the Persons receiving such Horses, or to be applied in the furnishing the requisite Accommodation; and the Commanding Officer may exchange any Man or Horse billeted in any Place with another Man or Horse billeted in the same Place, for the Convenience or Benefit of the Service, provided the Number of Men and Horses do not exceed the Number at that Time billeted on such Houses; and the Constables are hereby required to billet such Men and Horses so exchanged accordingly; and it shall be lawful for any Justice, at the Request of any Officer or Non-commissioned Officer commanding any Marines requiring Billets, to extend any Route, or enlarge the District within which Billets shall be required, in such Manner as shall appear to be most convenient to Her Majesty's Service: Provided always, that to prevent or punish all Abuses in billeting Marines, it shall be lawful for any Justice, within his Jurisdiction, by Warrant or Order under his Hand, to require any Constable to give him an Account in Writing of the Number of Officers and Marines who shall be quartered by such Constable, together with the Names of the Persons upon whom such Officers and Marines are billeted, stating the Street or Place where such

Persons

Persons dwell, and the Signs, if any, belonging to their Houses; and it shall be lawful to billet Officers and Marines in *Scotland* according to the Provisions of the Laws in force in *Scotland* at the Time of its Union with *England*; and no Officer shall be obliged to pay for his Lodging where he shall be regularly billeted, except in the Suburbs of *Edinburgh*: Provided always, that no Justice, being an Officer of Royal Marines, shall directly or indirectly be concerned in billeting or appointing Quarters under this Act.

XLIX. And be it enacted, That the Innholder or other Person on whom any Marine is billeted in *England* shall, if required by such Marine, furnish him for every Day on the March, and for a Period not exceeding Two Days when halted at any intermediate Place upon the March, and for the Day of Arrival at the Place of final Destination, with One hot Meal in each Day, the Meal to consist of such Quantities of Diet and Small Beer as may be fixed by Her Majesty's Regulations, not exceeding One Pound and a Quarter of Meat previous to being dressed, One Pound of Bread, One Pound of Potatoes or other Vegetables, and Two Pints of Small Beer, and Vinegar, Salt, and Pepper, and for such Meal the Innholder, or other Person furnishing the same, shall be paid the Sum of Ten-pence; and all Innholders and other Persons on whom Marines may be billeted in *England*, (except on the March, when they are entitled to be furnished with the hot Meal as aforesaid,) shall furnish such Marines with Candles, Vinegar, and Salt, and shall allow them the Use of Fire and the necessary Utensils for dressing and eating their Meat, and shall be paid in consideration thereof the Sum of a Halfpenny *per Diem* for each Marine; and the Sum to be paid the Innholder or other Person on whom any of the Horses belonging to Her Majesty's Royal Marine Forces shall be billeted, in *England*, for Hay and Straw, shall be Ten-pence *per Diem* for each Horse, and in *Ireland* the Sum to be paid for Forage to the Innholder or other Person for Horses billeted by virtue of this Act shall be the Rate established by the Lord Lieutenant or other sufficient Authority from Time to Time, the same to be regulated by the Average Rate of Contracts for Forage in *Ireland*; and for the Use of Stables in *Ireland*, when such Horses are provided with Hay and Straw by Contract, and not by the Occupiers of the Houses in which they are billeted, the Sum of Four-pence *per Week* for each Horse shall be paid; and every Officer to whom it belongs to receive or who shall actually receive the Pay and Subsistence of the said Men shall every Four Days, or before they shall quit their Quarters if they shall not remain so long as Four Days, settle the just Demands of all Victuallers or other Persons on whom such Men are billeted, out of their Pay and Subsistence, before any Part of the said Pay or Subsistence be distributed to them respectively; and if any such Officer shall not pay the same, then upon Complaint, and Oath made thereof by any Two Witnesses, at the next Quarter Sessions for the County or City where such Quarters are situate, the

Allowance to
Innkeepers.

the Secretary of the Admiralty is hereby required, upon Certificate of the Justices before whom such Oath shall be made of the Sum due to the Complainant, to order Payment of the Amount, which shall be charged against such Officer; and in case of any Marines being suddenly ordered to march, and of the Commanding Officer not being enabled to make immediate Payment of the Sums due on account of the Billets, every such Officer shall before his Departure make up the Account with every Person upon whom any such Marines may have been billeted, and sign a Certificate thereof; which Account and Certificate, on being transmitted to the Secretary of the Admiralty, shall be immediately paid, and charged to the Officer's Account.

Supply of
Carriages.

L. And be it enacted, That for the regular Provision of Carriages for the Royal Marine Forces and their Baggage, on their Marches in *England* and *Ireland*, all Justices of the Peace within their several Jurisdictions, being duly required thereunto by Order of the said Lord High Admiral, or Two or more of the Commissioners for executing the said Office of Lord High Admiral, for the Time being, shall, on the Production of such Order to them, or any One or more of them, by the Officer or Non-commissioned Officer of the Party of Marines so ordered to march, issue a Warrant to any Constable having Authority to act in any Place from, through, near, or to which such Marines shall be ordered to march, (for each of which Warrants a Fee of One Shilling only shall be paid,) requiring him to provide the Carriages, Horses, Oxen, and Drivers therein mentioned, (allowing sufficient Time to do the same,) specifying the Places from and to which the said Carriages shall travel, and the Distance between the Places, for which Distance only so specified Payment shall be demanded, and which Distance shall not, except in Cases of pressing Emergency, exceed the Day's March prescribed in the Order of Route, and shall in no Case exceed Twenty-five Miles; and the Constables receiving such Warrant shall order such Persons as they shall think proper, having Carriages, to furnish the requisite Supply, who are hereby required to furnish the same accordingly; and in case sufficient Carriages cannot be procured within the proper Jurisdiction, any Justice of the next adjoining Jurisdiction shall, by a like Course of Proceeding, supply the Deficiency; and in order that the Burden of providing Carriages may fall equally, and to prevent Inconvenience arising from there being no Justice residing near the Place where Marines may be quartered on the March, the Justice or Justices residing nearest to such Place shall cause a List to be made out, at least once in every Year, of all Persons liable to furnish such Carriages, and of the Number and Description of their said Carriages, (which Lists shall at all seasonable Hours be open to the Inspection of the said Persons,) and shall by Warrant under his Hand authorize the Constables within his Jurisdiction to give Orders to provide Carriages, without any special Warrant from him for that Purpose, which Orders shall be valid in all respects; and all Orders for

for such Carriages shall be made from such Lists in regular Rotation, so far as the same can be done.

LI. And be it enacted, That in every Case in which the whole Distance for which any Carriage shall be impressed shall be under One Mile the Rate of a full Mile shall be paid; and the Rates to be paid for Carriages impressed shall be, in *England*, for every Mile which a Waggon with Four or more Horses, or a Wain with Six Oxen or Four Oxen and Two Horses, shall travel, One Shilling; and for every Mile any Waggon with narrow Wheels, or any Cart with Four Horses, carrying not less than Fifteen Hundred Weight, shall travel, Nine-pence; and for every Mile every other Cart or Carriage with less than Four Horses, and not carrying Fifteen Hundred Weight, shall travel, Sixpence; and in *Ireland*, for every Hundred Weight loaded on any Wheel Carriage, One Halfpenny *per* Mile; and in *England* such further Rates may be added, not exceeding a total additional Sum *per* Mile of Four-pence, Three-pence, or Two-pence, to the respective Rates of One Shilling, Nine-pence, and Sixpence, as may seem reasonable to the Justices assembled at General Sessions in *England*; for their respective Districts, or to the Recorder of any Municipal City, Borough or Town, Corporate or not Corporate; and the Order of such Justices at Sessions shall specify the Average Price of Hay and Oats at the nearest Market Town at the Time of fixing such additional Rates, and the Period for which the Order shall be enforced, not exceeding Ten Days beyond the next General Sessions (and no such Order shall be valid unless a Copy thereof, signed by the presiding Magistrate and One other Justice, or by the Recorder, shall be transmitted to the Secretary of the Admiralty within Three Days after the making thereof); and also in *England*, when the Day's March shall exceed Fifteen Miles, the Justice granting his Warrant may fix a further reasonable Compensation, not exceeding the usual Rate of Hire fixed by this Act; and when additional Rates or Compensation shall be granted, the Justice shall insert, in his own Hand, in the Warrant, the Amount thereof; and the Date of the Order of Sessions, if fixed by Sessions, and the Warrant shall be given to the Officer commanding, as his Voucher: Provided always, that the Officer or Non-commissioned Officer demanding Carriages by virtue of the Warrant of a Justice shall, in *England*, pay down the proper Sums into the Hands of the Constables providing Carriages, who shall give Receipts for the same on unstamped Paper; and, in *Ireland*, the Officers or Non-commissioned Officers as aforesaid shall pay the Owners or Drivers of the Carriages, and One Third Part of such Payment shall be made before the Carriage be loaded, and all the said Payments in *Ireland* shall be made, if required, in Presence of a Justice or Constable: Provided also, that no Carriage shall be liable to carry more than Thirty Hundred Weight in *England*, and in *Ireland* no Car shall be liable to carry more than Six Hundred Weight, and no Dray more than Twelve Hundred Weight; but the Owner of

Rates for
Carriages.

such Carriages in *Ireland*, consenting to carry a greater Weight, shall be paid at the same Rate for every Hundred Weight of the said Excess; and the Owners of such Carriages in *Ireland* shall not be compelled to proceed, though with any less Weight, under the Sum of Three-pence a Mile for each Car, and Six-pence a Mile for each Dray; and the Loading of such Carriages in *Ireland* shall be first weighed, if required, at the Expence of the Owner of the Carriage, if the same can be done in a reasonable Time, without Hindrance of Her Majesty's Service; and the providing and paying for Carriages in *Scotland* shall be regulated by the Law in force at the Time of the Union with *England*: Provided also, that a Cart with One or more Horses, for which the Furnisher shall receive Nine-pence a Mile, shall be required to carry Fifteen Hundred Weight at the least; and that no Penalties or Forfeitures in any Act relating to Highways or Turnpike Roads in the United Kingdom shall apply to the Number of Horses or Oxen, or Weight of Loading of the aforesaid Carriages, nor shall any such Carriages on that Account be stopped or detained.

Exemption
from Tolls.

LII. And be it enacted, That all Officers and Marines, being in proper Uniform, Dress or Undress, and their Horses, but not when passing in any private or hired Vehicle, and all Carriages and Horses when employed in conveying Persons or Baggage under the Provisions of this Act, or returning therefrom, and all Recruits marching by Route, shall be exempted from the Payment of any Duties and Tolls on embarking or disembarking from or upon any Pier, Wharf, Quay, or Landing Place, or passing Turnpike Roads or Bridges, otherwise demandable by virtue of any Act already made or hereafter to be made; and if any Toll Collector shall demand or receive Toll from any Marine Officer or Marine who shall be in proper Uniform, Dress or Undress, and who by this Act is exempted from Payment thereof, such Collector shall for every such Offence be liable to a Penalty not exceeding Five Pounds; provided that nothing herein contained shall exempt any Boats, Barges, or other Vessels employed in conveying the said Persons, Horses, Baggage, or Stores along any Canal, from Payment of Tolls in like Manner as other Boats, Barges, and Vessels are liable thereto, except when employed in Cases of Emergency as herein mentioned; and that when any Officers or Marines on Service shall have Occasion in the March to pass regular Ferries in *Scotland*, the Officer commanding shall be at liberty to pass over with his Marines as Passengers, paying for himself and each Marine One Half only of the ordinary Rate payable by Passengers, or he shall be at liberty to hire the Ferry Boat for himself and his Party, debarring all others for that Time, and shall in such Case pay only Half the ordinary Rate for such Boat.

Penalties upon
Civil Subjects
offending
against the
Laws relating
to Billets and
Carriages.

LIII. And be it enacted, That if any Constable or other Person, who by virtue of this Act shall be employed in billeting any Officers or Marines in any Part of the United Kingdom, shall presume to billet any such Officer or Marine in any House

not within the Meaning of this Act, without the Consent of the Owner or Occupier thereof; or shall neglect or refuse to billet any Officer or Marine on Duty, when thereunto required, in such Manner as is by this Act directed, provided sufficient Notice be given before the Arrival of such Marines; or shall receive, demand, or agree for any Money or Reward whatsoever, in order to excuse any Person from receiving any such Officer or Marine; or shall quarter any of the Wives, Children, Men or Maid Servants of any Officer or Marine in any such Houses against the Consent of the Occupiers; or shall neglect or refuse to execute such Warrants of the Justices as shall be directed to him for providing Carriages, Horses, or Vessels, or shall demand more than the legal Rates for the same; or if any Person appointed or ordered by such Constable to provide Carriages, Horses, or Vessels shall refuse or neglect to provide the same, or shall demand more than the legal Rates for the same, or shall do any Act or Thing by which the Execution of such Warrants shall be hindered; or if any Person liable by this Act to have any Officer or Marine quartered on him shall refuse to receive any such Officer or Marine, or to afford him proper Accommodation or Diet in the House of such Person in which he is quartered, or to furnish the several Things directed to be furnished to Officers and Marines, or shall neglect or refuse to furnish good and sufficient Stables, together with good and sufficient Hay and Straw, for each Horse, at the Rate established by this Act, and in such Quantities as shall be fixed by Her Majesty's Regulations, not exceeding Eighteen Pounds of Hay and Six Pounds of Straw *per Diem* for each Horse, or shall pay any Sum of Money to any Marine on the March in lieu of furnishing in Kind the Diet and Small Beer to which such Marine is entitled; such Constable, Victualler, and other Person respectively shall forfeit for every Offence, Neglect, or Refusal any Sum not exceeding Five Pounds nor less than Forty Shillings.

LIV. And be it enacted, That if any Officer of Royal Marines shall take upon him to quarter Men otherwise than is allowed by this Act, or shall use or offer any Menace or Compulsion to or upon any Justice, Constable, or other Civil Officer, tending to deter and discourage any of them from performing any Part of their Duty under this Act, or to do any thing contrary thereto, such Officer shall for every such Offence, being thereof convicted before any Two or more Justices of the County by the Oath of Two credible Witnesses, be deemed and taken to be *ipso facto* cashiered, and shall be utterly disabled to hold any Military Employment in Her Majesty's Service; provided a Certificate thereof be forthwith transmitted by the said Justices to the Secretary of the Admiralty, and that the Conviction be affirmed at some Quarter Sessions of the Peace for the said County to be held next after the Expiration of Three Months after such Certificate shall have been transmitted as aforesaid; and if any Marine Officer shall take, or knowingly suffer to be taken, any Money or Reward of any Person for

Penalty upon
Officers of
Marines so
offending.

excusing the quartering of Officers or Marines, or shall billet any of the Wives, Children, Men or Maid Servants of any Officer or Marine in any House against the Consent of the Occupier, he shall for any of the said Offences, upon being convicted thereof before a General Court-martial, be cashiered; and if any Officer shall constrain any Carriage to travel beyond the Distance specified in the Justice's Warrant, or shall not discharge the same in due Time for their Return Home on the same Day if it be practicable, except in the Case of Emergency, for which the Justice shall have given Licence, or shall compel the Driver of any Carriage to take up any Marine or Servant (except such as are sick) or any Woman to ride therein, except in Cases of Emergency as aforesaid, or shall force any Constable, by threatening Words, to provide Saddle Horses for himself or Servants, or shall force Horses from their Owners, or in *Ireland* shall force the Owner to take any Loading until the same shall be first duly weighed, if the same shall be required and can be done within a reasonable Time, or shall, contrary to the Will of the Owner or his Servant, permit any Person whatsoever to put any greater Load upon any Carriage than is directed by this Act, he shall forfeit for every Offence any Sum not exceeding Five Pounds or less than Forty Shillings.

LV. And be it enacted, That any Person who shall unlawfully have in his or her Possession or Keeping, or who shall knowingly detain, buy, or exchange, or otherwise receive, from any Marine or Marine Deserter, or any other Person, upon any Account or Pretence whatsoever, or shall solicit or entice any Marine, or shall be employed by any Marine, knowing him to be such, to sell any Arms, Ammunition, Clothes, or Military Furniture, or any Provisions, Sheets, or other Articles used in Barracks or provided under Barrack Regulations, or which are generally deemed Regimental Necessaries, according to the Custom of the Royal Marine Corps, or shall change or cause the Colour or Mark of any such Clothes, Appointments, or Necessaries to be changed or defaced, shall forfeit for every such Offence any Sum not exceeding Twenty Pounds, together with Treble the Value of all or any of the several Articles of which such Offender shall so become possessed; and if any Person having been so convicted, shall afterwards be guilty of any such Offence, and shall be convicted thereof by One or more Justices of the Peace, every such Offender shall, for every such Offence, in addition to the Forfeiture of Treble Value of all or any of the several Articles of which such Offender shall have so become possessed, be committed to the Common Gaol or House of Correction, there to be imprisoned only, or to be imprisoned and kept to hard Labour, for such Term not exceeding Six Calendar Months as the convicting Justice or Justices shall think fit; and upon any Information against any Person for a Second or any subsequent Offence, a Copy of the Conviction certified by the proper Officer having the Care or Custody of such Conviction or any Copy of the same, proved to be a true Copy, shall be sufficient Evidence

Penalty for purchasing Clothes, &c. from any Marine.

to prove a Conviction for the former Offence; and if any credible Person shall prove on Oath before a Justice of the Peace, or Person exercising like Authority according to the Laws of that Part of Her Majesty's Dominions in which the Offence shall be committed, a reasonable Cause to suspect that any Person has in his or her Possession or on his or her Premises any Property of the Description herein-before described, on or with respect to which any such Offence shall have been committed, the Justice may and he is hereby required to grant a Warrant to search for such Property as in the Case of stolen Goods; and if upon Search any such Property shall be found the same shall and may be seized by the Officer charged with the Execution of such Warrant, who shall bring the Offender in whose Possession the same shall be found before such Justice to be dealt with according to Law.

LVI. And for the better Preservation of the Game and Fish in or near such Place where any Officers shall at any Time be quartered, be it enacted, That every Officer who shall, without Leave in Writing from the Person or Persons entitled to grant such Leave, take, kill, or destroy any Game or Fish within the United Kingdom, and who upon Complaint thereof shall be, upon Oath of One or more credible Witness or Witnesses, convicted before any Justice, shall for every such Offence forfeit the Sum of Five Pounds.

Penalty on Officers killing Game.

LVII. And be it enacted, That no Officer of Her Majesty's Royal Marine Forces residing in Barracks or elsewhere under Military Law shall be deemed liable to have any Parish Poor Child bound Apprentice to him.

Officers not liable to take Parish Apprentices.

LVIII. And be it enacted, That any Justice in the United Kingdom, within whose Jurisdiction any Marine shall be quartered, may summon such Marine before him, which Summons such Marine is hereby required to obey, and take his Examination in Writing upon Oath, touching the Place of his last legal Settlement in *England*, and such Justice shall give an attested Copy of such Examination to the Person so examined, to be by him delivered to his Commanding Officer, to be produced when required; which said Examination and such attested Copy shall be at any Time admitted in Evidence as to such legal Settlement before any Justice or at any General or Quarter Sessions of the Peace, although such Marine be dead or absent from the Kingdom: Provided always, that in case any Marine shall be again summoned to make Oath as aforesaid, then, on such Examination or such attested Copy being produced, such Marine shall not be obliged to make any other or further Oath with regard to his legal Settlement, but shall leave with such Justice a Copy of such Examination, or a Copy of such attested Copy of Examination, if required.

Mode of recording a Marine's Settlement.

LIX. And be it enacted, That all Oaths and Declarations which are authorized or required by this Act may be administered (unless where otherwise provided) by any Justice of the Peace or Magistrate acting as such; and that any Person giving false Evidence or taking a false Oath or Declaration in

Administration of Oaths.

Perjury.

any Case wherein an Oath or Declaration is authorized or required to be taken by this Act, and being thereof duly convicted, shall be deemed guilty of wilful and corrupt Perjury, and shall be liable to such Pains and Penalties as Persons convicted of wilful and corrupt Perjury are or may be subject and liable to.

Licences of
Canteens.

LX. And be it enacted, That it shall be lawful for any Two Justices of the Peace, within their respective Jurisdictions, to grant or transfer any Licence for selling by Retail any Spirit, Beer, Wine, Cider, or Perry to any Person or Persons applying for the same who shall hold any Canteen under any Lease thereof, or by Agreement with any Department or other Authority under the said Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, for the Time being, without regard to the Time of Year, or any Notices or Certificates required by any Act in respect of such Licences; and the Commissioners of Excise within their respective Districts shall also grant or transfer any such Licence as aforesaid; and such Persons holding such Canteens, and having such Licences as aforesaid, may sell therein Victuals, and all such exciseable Liquors as they shall be licensed and empowered to sell, without being subject for so doing to any Penalty or Forfeiture whatever.

Limitation of
Actions.

LXI. And be it enacted, That if any Action shall be brought against any Member or Minister of a Court-martial to be assembled under the Authority of this Act, in respect of the Proceedings or the Sentence thereof, or against any other Person for any thing done in pursuance or under the Authority of this Act, the same shall be brought in some one of the Courts of Record at *Westminster* or *Dublin*, or in the Court of Session in *Scotland*, and shall be commenced within Six Months next after the Cause of Action shall arise, and that it shall be lawful for the Defendant or Defendants therein to plead thereto the General Issue, and to give all special Matter in Evidence on the Trial; and if the Verdict shall be for the Defendant in any such Action, or if the Plaintiff shall become Nonsuit, or suffer any Discontinuance thereof, or if, in *Scotland*, the Court shall see fit to assoilzie the Defendant or dismiss the Complaint, the Court in which the Matter shall be tried shall allow the Defendant Treble Costs, for the Recovery of which he shall have the like Remedy as in other Cases where Costs by the Laws of this Realm are given to Defendants.

Recovery of
Penalties.

LXII. And be it enacted, That all Offences for which any pecuniary Penalty or Forfeiture not exceeding Twenty Pounds, over and above any Forfeiture of Value or Treble Value, is by this Act imposed, shall and may be heard and determined by any Justices of the Peace in that Part of the United Kingdom in or near to which the Offence shall be committed; and all such Penalties and Forfeitures, and Forfeiture of Value and Treble Value, shall and may be enforced and recovered in the same Manner as any pecuniary Penalties may be recovered under the Provisions of an Act passed in the Third Year of the Reign

Reign of His Majesty King George the Fourth, intituled *An Act to facilitate summary Proceedings before Justices of the Peace and others*; and by another Act, passed in the Fifth Year of the Reign of His said Majesty, intituled *An Act for the more effectual Recovery of Penalties before Justices and Magistrates on Conviction of Offenders, and for facilitating the Execution of Warrants by Constables*: Provided always, that in all Cases in which there shall not be sufficient Goods whereon any Penalty or Forfeiture can be levied, the Offender may be committed and imprisoned for any Time not exceeding Six Months; which said recited Acts shall be used and applied in *Scotland* for the Recovery of all such Penalties and Forfeitures as fully to all Intents as if the said recited Acts had extended to *Scotland*, any thing in the said recited Acts to the contrary notwithstanding; and all such Offences committed in the *British Isles*, or in any of Her Majesty's Dominions beyond the Seas, may be determined, and the Penalties and Forfeitures of Value or Treble Value recovered, before any Justices of the Peace or Persons exercising like Authority, according to the Laws of the Part of Her Majesty's Dominions in which the Offence shall be committed; and all Penalties and Forfeitures by this Act imposed exceeding Twenty Pounds shall be recovered by Action in some of the Courts of Record at *Westminster* or in *Dublin*, or in the Court of Session in *Scotland*, and in no other Court in the United Kingdom, and may be recovered in the *British Isles*, or in any other Parts of Her Majesty's Dominions, in any of the Royal or Superior Courts of such Isles or other Parts of Her Majesty's Dominions.

LXIII. And be it enacted, That one Moiety of every such Penalty or Forfeiture, not including any Treble Value of any Articles, shall go to the Person who shall inform or sue for the same, and the other Moiety, together with the Treble Value of such Articles, or where the Offence shall be proved by the Person who shall inform, then the whole of the Penalty and such Treble Value, shall be paid over and applied in such Manner as the Lord High Admiral or the Commissioners for executing the Office of Lord High Admiral shall direct, any thing in an Act passed in the Fifth and Sixth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to provide for the Regulation of Municipal Corporations in England and Wales*, or in any other Act or Acts of Parliament, to the contrary notwithstanding, and every Justice who shall adjudge any Penalty under this Act shall, within Four Days thereafter at the furthest, report the same and his Adjudication thereof to the Secretary of the Admiralty.

LXIV. And be it enacted, That all Clauses and Provisions in this Act contained relating to *England* shall be construed to extend to *Wales* and the Town of *Berwick-upon-Tweed*; and all Clauses and Provisions relating to *Marines* shall be construed to include Non-commissioned Officers and Drummers, unless when otherwise provided; and all Clauses and Provisions relating to Justices shall be construed to extend to all Magistrates

authorized to act as such in their respective Jurisdictions; and all the Powers given to and Regulations made for the Conduct of Constables, and all Penalties and Forfeitures for any Neglect thereof, shall extend to all Tithingmen, Headboroughs, and such like Officers, and High Constables, and other Chief Officers and Magistrates of Cities, Towns, Villages, and Places in *England* and *Ireland*, who shall act in the Execution of this Act; and all Provisions for billeting Marines in Victualling Houses shall extend and apply to all Inns, Livery Stables, Alehouses, and to the Houses of Sellers of Wine by Retail, whether *British* or *Foreign*, to be drank in their own Houses or Places thereunto belonging, and to all Houses of Persons selling Brandy, Strong Waters, Cider, or Metheglin, by Retail, in *England* and *Ireland*; and in *Ireland* when there shall not be found sufficient Room in such Houses, then Marines may be billeted in such Manner as has been heretofore customary: Provided always, that no Officer or Marine shall be billeted in *England* in any private Houses, or in any Canteen held or occupied under the Authority of the Ordnance or Marine Department, or upon Persons who keep Taverns only, being Vintners of the City of *London*, admitted to their Freedom of that Company in right of Patrimony or Apprenticeship, notwithstanding such Persons who keep such Taverns only have taken out Victualling Licences; nor in the House of any Distiller kept for distilling Brandy and Strong Waters; nor in the House of any Shopkeeper whose principal Dealings shall be more in other Goods and Merchandize than in Brandy and Strong Waters, so as such Distillers and Shopkeepers do not permit Tippling in such Houses; nor in the House of Residence in any Part of the United Kingdom of any Foreign Consul, duly credited as such.

Marines not to be billeted in private Houses, &c.

Notification to Parishes of good or bad Conduct of Marines.

LXV. And be it enacted, That the Churchwardens of every Parish in *England*, and the Constable or other Officer of every Parish or Place in *Scotland*, on receiving a Notification from the Secretary of the Admiralty of the Name of any Marine belonging to the said Parish or Place who has for meritorious Conduct received Her Majesty's special Approbation, or who in consequence of Misconduct has been dismissed Her Majesty's Service with Disgrace, shall affix to and leave such Notification on the Outside of the Door of the Church or Chapel belonging to such Parish or Place on the *Sunday* next succeeding the Receipt of such Notification.

Marines to be subject to the Discipline of the Navy while on board Ship.

LXVI. And it is hereby declared and enacted, That all Her Majesty's Royal Marine Forces shall, during the Time they shall be respectively borne on the Books of any of Her Majesty's Ships or Vessels in Commission, either as Part of the Complement or as Supernumeraries, or otherwise, be subject and liable in every respect to the Laws for the Government of Her Majesty's Forces by Sea, and to the Rules and Discipline of the Royal Navy, and shall and may be proceeded against and punished for Offences committed by them whilst so borne, in the same Manner as the Officers and Seamen employed in the
Royal

Royal Navy may be tried or punished; except in Cases where they shall be disembarked, embodied, and employed in Military Operations on shore, in which Cases they shall be subject to be tried under this Act: Provided always, that if any Marine Officer or Marine so borne on the Books of any of Her Majesty's Ships shall commit on shore any Offence for which he shall not be amenable to a Naval Court-martial or to Naval Discipline, he shall be tried and punished for the same in the same Manner as other Marines may be tried and punished for the like Offences under the Authority of this Act.

LXVII. And be it enacted, That this Act shall continue in force within *Great Britain* from the Twenty-fifth Day of *April* One thousand eight hundred and forty-one until the Twenty-fifth Day of *April* One thousand eight hundred and forty-two inclusive; and within *Ireland*, and in *Jersey*, *Guernsey*, *Alderney*, *Sark*, and the *Isle of Man*, and the Islands thereto belonging, from the First Day of *May* One thousand eight hundred and forty-one until the First Day of *May* One thousand eight hundred and forty-two inclusive; and within the Garrison of *Gibraltar*, and in *Spain* and *Portugal*, from the Twenty-fifth Day of *July* One thousand eight hundred and forty-one until the Twenty-fifth Day of *July* One thousand eight hundred and forty-two inclusive; and in all other Parts of *Europe* where Royal Marine Forces may be serving, and the *West Indies* and *North America* and *Cape of Good Hope*, from the Twenty-fifth Day of *September* One thousand eight hundred and forty-one to the Twenty-fifth Day of *September* One thousand eight hundred and forty-two inclusive; and in all other Places from the Twenty-fifth Day of *November* One thousand eight hundred and forty-one to the Twenty-fifth Day of *November* One thousand eight hundred and forty-two inclusive.

Duration of Act.

LXVIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

Act may be amended, &c.

SCHEDULE to which this Act refers.

FORM OF OATHS to be taken by MEMBERS of COURTS-MARTIAL.

YOU shall well and truly try and determine according to the Evidence in the Matter now before you.

So help you GOD.

I do swear, That I will truly administer Justice, according to the Rules and Articles for the better Government of Her Majesty's Royal Marine Forces, and according to an Act now in force for the Regulation of the said Forces while on shore, without Partiality, Favour, or Affection, and if any Doubt shall arise which is not explained by the said Articles or Act, according to my Conscience, the best of my Understanding, and the Custom of War in the like Cases:

Cases: And I further swear, That I will not divulge the Sentence of the Court until it shall be duly approved; neither will I, upon any Account, at any Time whatsoever, disclose or discover the Vote or Opinion of any particular Member of the Court-martial, unless required to give Evidence thereof as a Witness by a Court of Justice or a Court-martial in a due Course of Law.

So help me GOD.

FORM of OATH of JUDGE ADVOCATE.

I do swear, That I will not, upon any Account whatsoever, disclose or discover the Vote or Opinion of any particular Member of the Court-martial, unless required to give Evidence thereof as a Witness by a Court of Justice or a Court-martial in a due Course of Law.

So help me GOD.

QUESTIONS to be separately put by the JUSTICE to a RECRUIT.

1. What is your Name?
2. In what Parish, and in or near what Town, and in what County, were you born?
3. What is your Age?
4. What is your Trade or Calling?
5. Are you an Apprentice?
6. Are you married?
7. Are you ruptured or lame; have you ever been subject to Fits; or have you any Disability or Disorder which impedes the free Use of your Limbs, or unfits you for ordinary Labour?
8. Are you willing to be attested to serve in the Royal Marine Forces until you shall be legally discharged?
9. On what Day and by whom were you enlisted?
10. For what Bounty did you enlist?
11. Do you now belong to the Militia?
12. Do you belong to any Regiment, or to the Marines, Ordnance, or Navy?
13. Have you served in the Army, Marines, Ordnance, or Navy?

Nota.—The Justice is directed, in putting the Eleventh Question to the Recruit, and before he receives his Answer, distinctly to apprise the Recruit that if he belongs to the Militia, and denies the Fact, he is liable to Six Months Imprisonment.

OATH to be taken by a RECRUIT enlisting.

I do make Oath, That the above Questions have been separately put to me, that the Answers thereto have been read over to me, and that they are the same that I gave, and are true.

I do

I do also make Oath, That I will be faithful and bear true Allegiance to Her Majesty, Her Heirs and Successors; and that I will, as in Duty bound, honestly and faithfully defend Her Majesty, Her Heirs and Successors, in Person, Crown, and Dignity, against all Enemies; and will observe and obey all Orders of Her Majesty, Her Heirs and Successors, and of the Generals and Officers set over me. So help me GOD.

Witness my Hand

_____ } Signature of
the Recruit.
_____ Witness present.

Sworn before me at _____ this }
Day of _____ One thousand eight }
hundred and _____ }

Signature of the Justice.

CERTIFICATE to be given by the JUSTICE.

Description of

Age, apparently _____
Height, _____ Feet _____ Inches.
Complexion, _____
Eyes, _____
Hair, _____

Any distinctive Mark.

to wit. } I _____ one of Her Majesty's
Justices of the Peace of _____ do hereby
certify, That the above is the Description of the Recruit _____ ;
and in my Presence all the foregoing Questions were put to the
said _____ ; that the Answers written opposite to
them are those which he gave to me; and that the Third,
Fourth, and Fifth Articles of the Second Section of the Rules
and Articles for the better Government of Her Majesty's Royal
Marine Forces while on shore, against Mutiny, and the First
Article of the Third Section of the said Rules and Articles,
against Desertion, were read over to him; that he took the
Oath of Allegiance and Fidelity; that he received the Sum
of _____ on being attested this Day; and that I
have given him a Duplicate of this Certificate signed with my
Name.

Signature of the Justice.

FORM of OATH to be taken by a MASTER whose Apprentice has absconded.

I of do make Oath, That I am
by Trade a and that was
bound to serve as an Apprentice to me in the said Trade, by
Indenture dated the Day of , for the
Term of Years; and that the said did
on or about the Day of last abscond
and quit my Service without my Consent; and that to the best
of my Knowledge and Belief the said is aged
about Years. Witness my Hand at
the Day of One thousand eight hundred
and

Sworn before me at this
Day of One thousand eight }
hundred and .

FORM of JUSTICE'S CERTIFICATE to be given to the Master of an Apprentice.

to wit. } I one of Her Majesty's Justices of the
Peace of . certify, That
of came before me at the Day
of One thousand eight hundred and ,
and made Oath that he was by Trade a , and
that was bound to serve as an Apprentice to
him in the said Trade, by Indenture dated the Day
of for the Term of Years; and that the said
Apprentice did on or about the Day of abscond
and quit the Service of the said without his Consent,
and that to the best of his Knowledge and Belief the said
Apprentice is aged about Years.

DESCRIPTION RETURN of _____ committed to Confinement at _____ as a
 Deserter from the Royal Marines. _____ Day of _____ on the _____

Age.	Size.		Complexion.	Colour of		Marks.	Probable Date of Enlistment, and in what District.	Probable Date of Desertion, and from whence.	Name, Occupation, and Address of the Person by whom apprehended.	Particulars of the Evidence upon which the Prisoner is committed.	Whether the Prisoner confessed before the Magistrates that he is a Deserter.
	Feet.	Inches.		Hair.	Eyes.						

I do hereby certify, that the Prisoner has been duly examined before me as to the Circumstances herein stated, and has declared in my Presence that he * a Deserter from the before-mentioned Corps.

Signatures and Address of Magistrate.

Signatures of Prisoner.

Signatures of Informer.

* I certify, that I have inspected the Prisoner, and consider him fit for active Service.

Signature of Surgeon.

* If a Military Medical Officer be at or near the Place, he will inspect the Deserter, and report as to his Fitness for Military Service.

* Insert "is" or "is not," as the Case may be.

CAP. IV.

An Act to apply the Sum of Eight Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and forty-one.

[30th March 1841.]

‘ Most Gracious Sovereign,

‘ **WE**, Your Majesty’s most dutiful and loyal Subjects, the
 ‘ Commons of the United Kingdom of *Great Britain* and
 ‘ *Ireland*, in Parliament assembled, towards making good the
 ‘ Supply which we have cheerfully granted to Your Majesty
 ‘ in this Session of Parliament, have resolved to grant unto
 ‘ Your Majesty the Sum herein-after mentioned;’ and do there-
 fore most humbly beseech Your Majesty that it may be enacted;
 and be it enacted by the Queen’s most Excellent Majesty, by
 and with the Advice and Consent of the Lords Spiritual and
 Temporal, and Commons, in this present Parliament assembled,
 and by the Authority of the same, That there shall and may be
 issued and applied, for or towards making good the Supply
 granted to Her Majesty for the Service of the Year One thou-
 sand eight hundred and forty-one, the Sum of Eight Millions
 out of the Consolidated Fund of the United Kingdom of *Great
 Britain* and *Ireland*, and the Commissioners of Her Majesty’s
 Treasury of the United Kingdom of *Great Britain* and *Ireland*,
 or any Three or more of them, or the Lord High Treasurer
 of the United Kingdom of *Great Britain* and *Ireland*, for the
 Time being, are or is hereby authorized and empowered to issue
 and apply the same accordingly.

There shall be applied, for the Service of the Year 1841, the Sum of 8,000,000*l.* out of the Consolidated Fund.

The Treasury may cause 8,000,000*l.* of Exchequer Bills to be made out in manner prescribed by 48 G. 3. c. 1.

II. And be it enacted, That it shall and may be lawful for the said Commissioners of Her Majesty’s Treasury, or any Three or more of them, from Time to Time, by Warrant under their Hands, to cause or direct any Number of Exchequer Bills to be made out at the Receipt of Her Majesty’s Exchequer at *Westminster* for any Sum or Sums of Money not exceeding in the whole the Sum of Eight Millions; and such Exchequer Bills shall be made out in the same or like Manner, Form, and Order, and according to the same or like Rules and Directions, as are directed and prescribed in and by an Act passed in the Forty-eighth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for regulating the issuing and paying off of Exchequer Bills*.

The Clauses, &c. in recited Act extended to this Act.

III. And be it enacted, That all and every the Clauses, Pro-
 visoos, Powers, Privileges, Advantages, Penalties, Forfeitures,
 and Disabilities contained in the said recited Act passed in the
 Forty-eighth Year of the Reign of His said Majesty shall be
 applied and extended to the Exchequer Bills to be made out in
 pursuance of this Act, as fully and effectually, to all Intents and
 Purposes, as if the said several Clauses, Provisoos, Powers,
 Privileges, Advantages, Penalties, Forfeitures, and Disabilities
 had been particularly repeated and re-enacted in the Body of
 this Act

IV. And

IV. And be it enacted, That the Exchequer Bills to be made out in pursuance of this Act shall and may bear an Interest not exceeding the Rate of Three-pence Halfpenny *per Centum per Diem* upon or in respect of the whole of the Monies respectively contained therein.

Interest on Exchequer Bills.

V. And be it declared and enacted, That it shall and may be lawful for the Governor and Company of the Bank of *England*, and they are hereby empowered, to take, accept, and receive the Exchequer Bills authorized to be made out in pursuance of this Act, and to advance or lend to Her Majesty, at the Receipt of the Exchequer at *Westminster*, upon the Credit of the Sum granted by this Act out of the Consolidated Fund of the United Kingdom of *Great Britain and Ireland*, any Sum or Sums of Money not exceeding in the Whole the Sum of Eight Millions, any thing in an Act passed in the Fifth and Sixth Years of the Reign of King *William* and Queen *Mary*, intituled *An Act for granting to Their Majesties several Rates and Duties upon the Tonnage of Ships and Vessels, and upon Beer, Ale, and other Liquors; and for securing certain Recompences and Advantages in the said Act mentioned to such Persons as shall voluntarily advance the Sum of One million five hundred thousand Pounds towards carrying on the War against France*, or in any other Act or Acts to the contrary notwithstanding.

Bank of England may advance 8,000,000*l.* on the Credit of this Act, notwithstanding 5 & 6 W. & M. c. 20.

VI. And be it enacted, That it shall be lawful for the said Commissioners of Her Majesty's Treasury, and they are hereby authorized and empowered, to cause such Bills as shall be prepared by virtue of this Act to be delivered from Time to Time to the Governor and Company of the Bank of *England*, in such Proportions as the Public Service may require, as Security for any Advance or Advances which may be made to Her Majesty by the said Governor and Company of the Bank of *England* under the Authority of this Act.

Bills prepared by virtue of this Act to be delivered to the Bank as Security for such Advances.

VII. And be it enacted, That it shall be lawful for the said Commissioners of Her Majesty's Treasury to issue and apply from Time to Time all such Sums of Money as shall be raised by Exchequer Bills to be made out in pursuance of this Act to such Services as shall then have been voted by the Commons of the United Kingdom of *Great Britain and Ireland* in this present Session of Parliament.

Monies raised by Bills to be applied to the Services voted by the Commons.

VIII. And be it enacted, That the Principal Sum or Sums of Money to be contained in all such Exchequer Bills to be made forth by virtue of this Act, together with the Interest that may become due thereon, shall be and the same are hereby made chargeable and charged upon the growing Produce of the Consolidated Fund of the United Kingdom of *Great Britain and Ireland* in the next succeeding Quarter to that in which the said Exchequer Bills have been issued; and it shall be lawful for the said Commissioners of Her Majesty's Treasury for the Time being, or any Three or more of them, and they are hereby authorized, from Time to Time, by Warrant under their Hands, to direct the Comptroller General of the Receipt of the Exchequer at *Westminster*, in such Manner as they shall think

Exchequer Bills made chargeable upon the growing Produce of the Consolidated Fund.

think necessary, to grant a Credit on the Exchequer Funds in the Bank of *England* unto such Person or Persons as shall be named in the said Warrant, which Credit shall be chargeable on and paid out of the growing Produce of the said Consolidated Fund of the next succeeding Quarter to that in which the said Exchequer Bills have been issued, for any Sum or Sums of Money not exceeding in the whole a Sum sufficient to discharge and pay off the Principal Sum or Sums of Money contained in such Exchequer Bills then outstanding, and which may have been made out and issued by virtue of this Act, together with all such Interest as may be due thereupon.

CAP. V.

An Act to facilitate the Recovery of Arrears of Tithe Compositions in *Ireland* vested in Her Majesty under the Provisions of an Act of the First and Second Years of Her present Majesty, for abolishing Compositions for Tithes in *Ireland*, and for substituting Rent-charges in lieu thereof.

[30th *March* 1841.]

1 & 2 Vict.
c. 109.

3 & 4 Vict. c. 13.

‘ **WHEREAS** an Act was passed in the Session of Parliament holden in the First and Second Years of the Reign of Her present Majesty, intituled *An Act to abolish Compositions for Tithes in Ireland, and to substitute Rent-charges in lieu thereof*: And whereas an Act was passed in the last Session of Parliament, amending the said Act; and it was thereby among other things enacted, that in any Petition to be presented under the said first-mentioned Act by Her Majesty’s Attorney General for *Ireland* to the Court of Chancery or Exchequer in *Ireland*, or to the Court of any Assistant Barrister or Chairman, for the Recovery of any Arrears of Tithe Composition vested in Her Majesty under and by the Operation of the Provisions of the said Act, it should be lawful to include all or any Two or more of the Persons in default who should be named and distinguished, in the Schedule annexed to any Memorial for Relief presented to the Lord Lieutenant and Privy Council in *Ireland* under the said first-mentioned Act, as having such Estates or Interests as in the said Act described in the Lands charged with any Composition due and in arrear, and that the Court to which any such Application might be made by Petition might from Time to Time proceed thereon as against any One or more of the Persons therein named as Defaulters who should appear to have had due Notice thereof, although such Notice might not be proved to have been given to any other or others of the Persons named therein: And whereas it is expedient, for the more cheap and easy Recovery of the Arrears of Tithe Compositions vested in Her Majesty as aforesaid, further to amend the said Act;’ be it therefore enacted by

by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That in any Petition to be presented under the said Act or Acts by the said Attorney General to any of the said Courts for the Recovery of any Arrears of Tithe Composition vested in Her Majesty as aforesaid, it shall be lawful to include all or any Two or more of the Persons in default who shall be named and distinguished, in the several Schedules annexed to all or any Two or more of the Memorials presented to the said Lord Lieutenant and Privy Council for Relief under the said Act in respect of Compositions for Tithes charged upon or accrued due in respect of Lands situate in one and the same Diocese, or in any Two or more united Dioceses, as having in such Lands respectively the Estates or Interests in the said first-mentioned Act described; and that it shall be lawful from Time to Time to amend any Petition which may be filed under the said Acts and this Act, or any of them, by adding Parties thereto.

Any Number of Defaulters may be included in One Petition in respect of Arrears due in the same Diocese.

Petition may be amended by adding Parties.

II. And be it enacted, That the Court to which Application may be made by Petition as aforesaid under the said recited Acts and this Act, or any of them, may from Time to Time proceed thereon as against all or any of the Parties therein named as Defaulters, although they or any of them may not have had Notice of such Petition previous to the filing of the same: Provided always, that no such Court shall make any Order adjudicating upon the Liability of any such Party to pay any Sum of Money, or directing the Payment of any Sum of Money by any such Party, unless such previous Notice shall have been served upon such Party, or unless Fourteen Days Notice that such Petition has been filed, or that some Order has been made appointing a Time for the Hearing thereof, shall have been first served upon such Party.

Proceedings may be had on Petition although Notice may not have been served; but no Order shall be made for Payment of Money unless previous Notice shall have been served.

III. And be it enacted, That any Notice to be given or served in pursuance of the said Act of the last Session of Parliament, or of this Act, shall be given or served in the Manner provided by the said first-recited Act in reference to the giving of Notices thereunder: Provided always, that in case any Person who shall be proceeded against as such Defaulter shall not have any Place of Abode in *Ireland*, or shall be a Minor or Lunatic, and in case there shall be an Agent or Receiver, Committee or Guardian, in actual Receipt of the Rents of the Lands in respect of which the Arrears shall be claimed as due, for which such Proceeding shall be had, then and in such Case such Notice shall be given or served upon such Agent or Receiver, Committee or Guardian, or at his usual or last Place of Business, or usual or last Place of Abode, or on such Person or Persons or in such Manner as the Court shall order.

Service of Notices.

IV. And be it enacted, That this Act and the Two hereinbefore mentioned Acts shall be construed together as One Act.

Acts to be construed together.

Act may be altered.

V. And be it enacted, That this Act may be amended or repealed by any Act to be passed during the present Session of Parliament.

CAP. VI.

An Act to continue, until the Fourth Day of *August* One thousand eight hundred and forty-two, and to the End of the next Session of Parliament, the several Acts for regulating Turnpike Roads in *Ireland* which will expire at or before the End of the present Session of Parliament, or at or before the End of the Session of Parliament next after the Fourth Day of *August* One thousand eight hundred and forty-one; and to amend the Acts for regulating Turnpike Roads in *Ireland*.

[6th April 1841.]

‘ WHEREAS it is expedient that the several Acts for regulating Turnpike Roads in *Ireland*, herein-after referred to, should be amended, and continued for a limited Time;’ be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That any Act for making, amending, or repairing any Turnpike Road or Roads in *Ireland*, which will expire at or before the End of the present Session of Parliament, or at or before the End of the Session of Parliament next after the Fourth Day of *August* One thousand eight hundred and forty-one, shall be and the same is hereby continued, as amended by this Act, until the Fourth Day of *August* One thousand eight hundred and forty-two, and if Parliament shall be then sitting, until the End of the then Session of Parliament.

Expiring Turnpike Acts continued till 4th August 1842.

Manure exempted from Toll after the Time when the present Turnpike Acts would have expired, if not continued by this Act.

II. ‘ And whereas several of the Acts by this Act continued contain no Exemption from Toll for Horses, Beasts, or other Cattle, Carts or Carriages, employed in carrying Manure, and it is expedient that the same shall be so exempted, from and after the Time or Times respectively when this Act will take effect, in respect of the several Turnpike Roads regulated by such Acts;’ be it therefore enacted, That from and after the Time or Times respectively when, if this Act had not been made, the several Acts by this Act continued would have expired, no Toll shall, save as herein-after provided, be demanded or taken, by virtue of any Act so continued by this Act, on any Turnpike Road, for any Horse, Beast, or other Cattle, Cart or Carriage, drawing or carrying only Dung, Soil, Mould, Marl, Lime, or Compost, for improving or manuring Land, or going empty or loaded only with Implements necessary for more convenient Carriage of or loading or unloading such Lading, or returning empty, having been so laden, or with such Implements as aforesaid.

III. Provided always, and be it enacted, That for the preventing of Frauds on Toll Collectors under pretence of going for Manure, the Owner or Driver of any Horse, Beast, or other Cattle, Cart or Carriage, passing through any Turnpike Gate empty or unladen, or loaded only with Implements necessary for the more convenient Carriage of or for loading or unloading Manure as aforesaid, shall, notwithstanding the Exemption herein-before contained in respect of Horses, Beasts, or other Cattle, Carts or Carriages, going for Manure, pay the Toll to which they would have been liable if this Exemption had not been established, before the same shall be permitted to pass through such Gate, and the Collector of such Toll shall, upon Claim of such Exemption under this Act, deliver to such Owner or Driver a Ticket marked "Manure Exemption," with the Name of the Gate, and the Date when so delivered, and the Amount of the Toll so paid, which Toll shall be repaid to such Owner or Driver upon returning with such Horse, Beast, or other Cattle, Cart or Carriage, so laden as aforesaid, and producing such Ticket; and every Collector of such Toll refusing to give such Ticket on receiving the Toll, and Claim of such Exemption, or refusing or neglecting to repay such Toll on the Return of such Horse, Beast, or other Cattle, or Cart or Carriage, so laden, and Re-delivery of such Ticket, shall for every such Offence forfeit and pay to the Owner of such Horse, Beast, or other Cattle, or Cart or Carriage, a Penalty of not more than Five Pounds, upon Conviction thereof before any One or more Justice or Justices of the Peace for the County or Place wherein such Offence shall be committed, upon the Oath of any One or more credible Witness or Witnesses.

Tolls to be paid for Carts, &c. going empty for Manure, and to be repaid on returning.

Penalty for not repaying Toll, 5*l*.

IV. And be it enacted, That on or before the Day when this Act shall take effect in respect of each Turnpike Road the Trustees or Commissioners of such Road shall and they are hereby required to alter or cause to be altered the List of Tolls by them maintained at every Toll Gate within their respective Districts, so as to notify the Exemption by this Act created, and they shall also provide the Tickets denoting such Exemption, as herein-before required, for the Use of the Collectors at such Gates.

Trustees to give Notice of this Exemption.

V. And whereas, by an Act passed in the Session of Parliament holden in the First and Second Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for the Extension and Promotion of Public Works in Ireland*, the Commissioners acting in execution thereof were authorized to make Loans and Advances, upon the Terms and Conditions, and with the Powers, Privileges, and Authorities for the Security and Recovery of such Loans and Advances, therein mentioned; and it was by the said Act further enacted, that from and after the Appointment of the Commissioners for the Execution of the said Act, the Powers and Authorities of the Persons theretofore appointed Commissioners by virtue of any Power derived from any of the Acts therein and herein after enumerated, for the Execution of the same,

Powers of Commissioners under 1 & 2 W. 4. c. 33., for Recovery of Loans, extended to Loans under the herein-after recited previous Loan Acts to Trustees of Turnpike Roads.

- ' in Ireland, should wholly cease and determine, and that all
 ' such Powers and Authorities should vest in and devolve upon
 ' the Commissioners for the Execution of the said Act of the
 ' First and Second Years of the Reign of His said Majesty
 ' King *William* the Fourth, and such Commissioners were
 ' thereby required and authorized and empowered to exercise
 ' all such Powers and Authorities as might have been vested in
 ' or conferred upon the Commissioners acting in *Ireland* under
 ' or by virtue of any of the Acts therein and herein after enu-
 ' merated; (that is to say,) an Act passed in the Fifty-seventh
 ' Year of the Reign of His Majesty King *George* the Third,
 57 G. 3. c. 34. ' intituled *An Act to authorize the Issue of Exchequer Bills and*
 ' *the Advance of Money out of the Consolidated Fund to a limited*
 ' *Amount, for the carrying on of Public Works and Fisheries in the*
 ' *United Kingdom, and the Employment of the Poor in Great*
 57 G. 3. c. 124. ' *Britain, in manner therein mentioned; also an Act passed in*
 ' *the same Session of Parliament, intituled An Act to amend an*
 ' *Act made in the present Session of Parliament, for authorizing the*
 ' *Issue of Exchequer Bills and for the Advance of Money for carry-*
 ' *ing on public Works and Fisheries and the Employment of the*
 ' *Poor; also an Act passed in the Fifty-eighth Year of the Reign*
 58 G. 3. c. 88. ' *of His said Majesty King George the Third, intituled An Act*
 ' *to amend Two Acts, made in the last Session of Parliament, for*
 ' *authorizing the Issue of Exchequer Bills and the Advance of*
 ' *Money for carrying on Public Works and Fisheries and the*
 ' *Employment of the Poor, and to extend the Powers of the Com-*
 ' *missioners appointed for carrying the said Acts into execution in*
 ' *Ireland; also an Act passed in the First Year of the Reign*
 1 G. 4. c. 60. ' *of His late Majesty King George the Fourth, intituled An Act*
 ' *to amend and continue Two Acts, passed in the Fifty-seventh*
 ' *Year of His late Majesty King George the Third, for autho-*
 ' *rizing the Issue of Exchequer Bills and the Advance of Money*
 ' *for carrying on Public Works and Fisheries and Employment of*
 ' *the Poor, and to extend the Powers of the Commissioners for*
 ' *executing the said Acts in Great Britain; also an Act passed in*
 1 G. 4. c. 81. ' *the same Session of Parliament, intituled An Act to amend*
 ' *several Acts, made in the Fifty-seventh and Fifty-eighth Years of*
 ' *His late Majesty, for the Advance of Money for carrying on*
 ' *Public Works, and for other Purposes, so far as the said Acts*
 ' *relate to Ireland; also an Act passed in the Third Year of the*
 ' *Reign of His late Majesty King George the Fourth, intituled*
 3 G. 4. c. 86. ' *An Act to amend Two Acts, of the Fifty-seventh Year of His*
 ' *late Majesty and the First Year of His present Majesty, for*
 ' *authorizing the Issue of Exchequer Bills and Advance of Money*
 ' *for carrying on Public Works and Fisheries and Employment*
 ' *of the Poor; and to authorize a further Issue of Exchequer Bills*
 ' *for the Purposes of the said Acts; also another Act passed in*
 3 G. 4. c. 112. ' *the same Session of Parliament, intituled An Act to authorize*
 ' *the further Advance of Money out of the Consolidated Fund for*
 ' *the Completion of Works of a public Nature, and for the*
 ' *Encouragement of the Fisheries in Ireland; also an Act passed*
 ' *in the Fourth Year of the Reign of His late Majesty King*
 ' *George*

‘ George the Fourth, intituled *An Act to amend the several Acts* 4 G. 4. c. 42.
 ‘ *for the Assistance of Trade and Manufactures, and the Support*
 ‘ *of Commercial Credit, in Ireland; also an Act passed in the*
 ‘ *Fifth Year of the Reign of His late Majesty King George the*
 ‘ *Fourth, intituled An Act to amend and render more effectual the* 5 G. 4. c. 36.
 ‘ *several Acts for the issuing of Exchequer Bills for Public*
 ‘ *Works; also an Act passed in the same Session of Parlia-*
 ‘ *ment, intituled An Act to amend the Acts for the Issue of* 5 G. 4. c. 77.
 ‘ *Exchequer Bills for Public Works; also an Act passed in*
 ‘ *the Sixth Year of the Reign of His late Majesty King*
 ‘ *George the Fourth, intituled An Act to render more effec-* 6 G. 4. c. 35.
 ‘ *tual the several Acts for authorizing Advances for carrying on*
 ‘ *Public Works, so far as relates to Ireland; also an Act passed*
 ‘ *in the Seventh Year of the Reign of His late Majesty King*
 ‘ *George the Fourth, intituled An Act to amend the several Acts* 7 G. 4. c. 30.
 ‘ *for authorizing Advances for carrying on Public Works; and to*
 ‘ *extend the Provisions thereof in certain Cases; also an Act passed*
 ‘ *in the Seventh and Eighth Years of the Reign of His said late*
 ‘ *Majesty King George the Fourth, intituled An Act to amend* 7 & 8 G. 4. e. 12.
 ‘ *an Act of the First Year of His present Majesty, for the Advance*
 ‘ *of Money for carrying on Public Works in Ireland; and also*
 ‘ *another Act passed in the same Session of Parliament, intituled*
 ‘ *An Act for the further Amendment and Extension of the Powers* 7 & 8 G. 4. c. 47.
 ‘ *of the several Acts authorizing Advances for carrying on Public*
 ‘ *Works: And whereas sundry Loans made to the Trustees or*
 ‘ *Commissioners of several Turnpike Roads in Ireland, under*
 ‘ *the said last-mentioned Acts, are still due and outstanding,*
 ‘ *and it is expedient to give the said Commissioners of Public*
 ‘ *Works the same Powers, Privileges, and Authorities, for re-*
 ‘ *covering and levying the Money due on Foot of such Loans*
 ‘ *or Advances, as they possess in respect of such like Loans or*
 ‘ *Advances made under the said Act of the First and Second*
 ‘ *Years of the Reign of His said Majesty King William the Fourth,*
 ‘ *and the Acts amending the same; be it therefore enacted,*
 ‘ *That in all Cases of Loans or Advances at any Time made to*
 ‘ *the Trustees or Commissioners of any Turnpike Road or Roads*
 ‘ *in Ireland, under the said Acts of the Fifty-seventh and Fifty-*
 ‘ *eighth Years of the Reign of His Majesty King George the*
 ‘ *Third, or of the First, Third, Fourth, Fifth, Sixth, Seventh,*
 ‘ *or Seventh and Eighth Years of the Reign of His Majesty*
 ‘ *King George the Fourth, herein-before mentioned, or any of*
 ‘ *them, the said Commissioners of Public Works shall have all*
 ‘ *such and the like Powers, Privileges, Remedies, Advantages,*
 ‘ *and Authorities, for the Purpose of recovering or compelling*
 ‘ *Payment of any such Loan or Advance, or any Part thereof, or*
 ‘ *the Interest thereon, now or which may hereafter become due*
 ‘ *and in arrear, as the said Commissioners may now by Law*
 ‘ *have in respect of any Loan or Advance made to the Trustees*
 ‘ *or Commissioners of any Turnpike Road or Roads under the*
 ‘ *said recited Act of the First and Second Years of the Reign of*
 ‘ *His late Majesty King William the Fourth, or any Act amending*
 ‘ *the*

the same, or in respect of any Default in the Payment of such Loan or Advance, or the Interest thereon; and that all and every the Clauses and Provisions therein contained for the Repayment and Recovery of any such Loan or Advance, or the Interest thereon, and for enabling the said Commissioners, in default thereof, to enter into possession of and receive any Rates, Rents, Tolls, Receipts, or Profits, on the Credit whereof any Loan or Advance may have been made, shall extend to all Loans and Advances at any Time made to the Trustees or Commissioners of any Turnpike Road or Roads under the said recited Acts of the Fifty-seventh and Fifty-eighth Years of the Reign of His Majesty King *George* the Third, or of the First, Third, Fourth, Fifth, Sixth, Seventh, or Seventh and Eighth Years of the Reign of His Majesty King *George* the Fourth, or any of them, as if such Clauses and Provisions had been contained in such last-mentioned Acts, or as if such Loan or Advance had been made under the said recited Act of the First and Second Years of the Reign of His late Majesty, or of any Act amending the same: Provided always, that nothing herein contained shall extend or be construed to deprive any Persons holding prior Mortgages, Assignments, or other Securities on such Turnpike Trusts of any Advantage which by reason of such Priority they might have in case this Act had not been passed.

Saving of
Rights of prior
Creditors.

Any Proceed-
ings for the
Recovery of
Loans, &c.
heretofore taken
may be dis-
missed, and
others taken.

VI. And be it enacted, That it shall and may be lawful for the said Commissioners of Public Works to use and exercise, for the Purpose aforesaid, all the Powers, Privileges, Remedies, Advantages, and Authorities aforesaid, notwithstanding any other Mode of proceeding may have been already taken by them; and that in case they shall think fit that any Suit or other Proceeding at Law or in Equity, for the Recovery of any outstanding Loan or other such Purpose as aforesaid, heretofore commenced or which at any Time hereafter may be commenced by them, should be stayed or dismissed, it shall be lawful for the Court wherein such Suit or other Proceeding may be pending, upon Motion on the Part of the said Commissioners, at its Discretion, to stay or dismiss the same, and to make such Order in respect of the Costs thereof as to such Court shall seem fit; and in case such Court shall direct the Payment of any Costs by the said Commissioners, it shall be lawful for them to apply any Monies by them recovered or received on account of such outstanding Loan in discharge of such Costs.

Act may be
amended this
Session.

VII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

CAP. VII.

An Act to amend the Acts of the last Session for taking Account of the Population. [6th April 1841.]

‘ WHEREAS the Acts passed in the last Session of Parliament, intituled respectively *An Act for taking an Account of the Population of Great Britain*, and *An Act for taking an Account of the Population in Ireland*, require to be amended; be it enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Accounts required by the first-recited Act to be taken on *Thursday* the First Day of *July* shall be taken on *Monday* the Seventh Day of *June*, and if it be found necessary on One or more of the Days then next following, instead of the First Day of *July*, and shall be Accounts of the living Persons who abode in the several Districts therein described on the Night of *Sunday* the Sixth Day of *June*, instead of *Wednesday* the Thirtieth Day of *June*; and the Accounts required by the same Act to be taken of houseless Persons, and of Persons travelling and on Ship-board, or who for any other Reason were not abiding in any House, shall also refer to the said Night of *Sunday* the Sixth Day of *June*, instead of *Wednesday* the Thirtieth Day of *June*; and the Accounts required by the Act secondly recited to be taken in the Month of *July* shall be taken on the Seventh Day of *June*, and, if it be found necessary, on One or more of the Days then next following.

3 & 4 Vict. c. 99.
3 & 4 Vict.
c. 100.

Census to be taken on 7th June and following Days, instead of the 1st of July.

II. And be it enacted, That the Times to be appointed by the Sheriff Deputes or their Substitutes, and the Provosts or other Chief Magistrates of the Burghs, for the Attendance of the Schoolmasters and other Persons with their Returns, shall be not sooner than the Fifteenth Day of *June* and not later than the last Day of *June* in this Year, instead of the Times by the first-recited Act limited; and when such Returns shall be verified before a Justice of the Peace, as by the said Act in certain Cases is provided, the Schedule shall be transmitted to the Sheriff Deputes or their Substitutes before the last Day of *June*.

Accounts to be verified in Scotland before 30th of June.

III. And be it enacted, That the Persons charged with taking the said Accounts shall not be required to ascertain the Age of any Person above the Age of Fifteen Years more nearly than is herein provided, nor shall any Person be liable to any Penalty for refusing to tell his or her Age to any Person so charged more nearly than is herein provided; and every Person aged Fifteen Years and not aged Twenty Years may be set down as aged Fifteen Years, and every Person aged Twenty Years and not aged Twenty-five Years may be set down as aged Twenty Years; and in like Manner the Age of every Person may be

How Age shall be reckoned.

set down as that Multiple of Five Years which either expresses his or her real Age, or is next below his or her real Age.

Overseers, Relieving Officers, and Peace Officers bound to act as Enumerators.

IV. And be it enacted, That the Overseers of the Poor in every Parish, Township, and Place in *England* and *Wales*, and the Constables, Tithingmen, Headboroughs, or other Peace Officers for such Parishes, Townships, and Places, and the Relieving Officers in any Union formed under the Act for the Amendment and better Administration of the Laws relating to the Poor in *England* and *Wales*, shall be bound to act as Enumerators under the first-recited Act and this Act, within their respective Townships, Parishes, Unions, and Places, if required so to act by the Commissioners appointed under the first-recited Act; and every such Overseer, Relieving Officer, Constable, Tithingman, Headborough, and other Peace Officers, who shall refuse or wilfully neglect so to act and duly to perform the Duties required of the said Enumerators by the said Act as amended by this Act, shall for every such Offence forfeit a Sum not more than Ten Pounds or less than Five Pounds, at the Discretion of any Justice of the Peace to whom Complaint thereof shall be made by or on behalf of the said Commissioners, to be recovered, in case of Nonpayment, by Distress and Sale of the Goods of such Offender.

Schedules may be left at Dwelling Houses.

V. And be it enacted, That Schedules shall be prepared, under the Direction of the said Commissioners, for the Purpose of being filled up by the several Occupiers of Dwelling Houses as herein-after provided; and the Registrars in *England* and *Wales*, and the Schoolmasters and other Persons charged with taking the said Account in *Scotland*, shall, in the course of the Week ending on *Saturday* the Fifth Day of *June* in this Year, leave or cause to be left at every Dwelling House within their District One or more of the said Schedules for the Occupier or Occupiers thereof or of any Part thereof; and upon every such Schedule shall be plainly expressed that it is to be filled up by the Occupier of such Dwelling House, (or where such Dwelling House is let in different Stories or Apartments, and occupied distinctly by different Persons or Families, by the Occupier of each such distinct Story or Apartment,) and that the Person charged with taking the said Account will collect all such Schedules within his District on the *Monday* then next following; and every Occupier of any Dwelling House, or of any distinct Story or Apartment in any Dwelling House, with or for whom any such Schedule shall have been left as aforesaid, shall fill up the said Schedule to the best of his or her Knowledge and Belief, so far as relates to all Persons dwelling in the House, Story, or Apartment occupied by him or her, and shall sign his or her Name thereunto, and shall deliver the Schedule so filled up, or cause the same to be delivered, to the Person charged with taking the said Account, when required so to do; and every such Occupier who shall wilfully refuse, or without lawful Excuse neglect, to fill up the said Schedule to the best of his or her Knowledge and Belief, or to sign and deliver the same

Occupiers to fill up the Schedules, and sign and deliver them when required.

Penalty for Neglect.

as herein required, or who shall wilfully make, sign, or deliver, or cause to be made, signed, or delivered, any false Return of all or any of the Matters specified in the said Schedule, shall forfeit a Sum not more than Five Pounds or less than Forty Shillings, at the Discretion of any Justice of the Peace or Magistrate before whom Complaint thereof shall be made, to be recovered, in case of Nonpayment, by Distress and Sale of the Goods of such Offender..

VI. And be it enacted, That the Persons charged with taking the said Accounts in *Great Britain* shall collect all the Schedules so left within their District from House to House, and, so far as may be possible, on the said *Monday* the Seventh Day of *June*, and shall complete such of the Returns so made to them as upon Delivery thereof to them shall appear to be defective, and correct such as they shall find to be erroneous, and shall copy the Returns so made to them, when completed and corrected, into the Account which, by the first-recited Act, they are required to take of the Persons living within their several Districts, and shall add thereunto the Accounts which they shall have taken of all the other Persons living within their District, in the Manner prescribed by the said Act, who shall not be included in the Returns so made to them.

Schedules to be collected from House to House, and corrected, if found to be erroneous.

VII. And be it enacted, That all Provisions in the first-recited Act contained with respect to the Royal Burghs in *Scotland* shall apply to every Burgh in *Scotland*, whether or not a Royal Burgh, which now returns or contributes to return a Member or Members to Parliament, and in which there is a Provost and Magistrates, and to none others.

Account of Parliamentary Burghs in *Scotland* to be taken as of Royal Burghs.

VIII. And be it enacted, That so much of the first-recited Act as provides that the Commissioners shall prepare a Table of Allowances to any Parish Clerk or other Person who shall have assisted the Rector, Vicar, Curate, or other officiating Minister in *England*, or to any Sheriff Clerk, Town Clerk, or Schoolmaster in *Scotland*, or to any Person employed in the Execution of the said Act, other than the Enumerators, Registrars, and Superintendent Registrars employed in *England* and *Wales* in the Execution of the said Act, shall be repealed.

So much of first-recited Act as authorizes the Commissioners to prepare a Table of Allowances to Enumerators, &c. repealed.

IX. And be it enacted, That the Justices of the Peace in Special or Petty Session assembled, having Jurisdiction in any Parish, Township, Chapelry, or Place in *England* and *Wales*, shall allow to the several Overseers, Constables, and other Peace Officers, and Relieving Officers, who shall be required to act as Enumerators under this Act, a reasonable Compensation, instead of the Allowance to Enumerators, as fixed by the said Commissioners, for their Labour and Trouble necessarily undertaken, and also for their Expences (if any) necessarily incurred by them in the Execution of the first-recited Act and this Act; and shall also allow to the Parish Clerk or other Person who shall have assisted the Rector, Vicar, Curate, or other officiating Minister in the Execution of the first-recited Act, a reasonable Compensation for so doing, upon his producing a Certificate from the

Justices in Sessions to allow Compensation to Enumerators, &c. and order Payment thereof out of the Poor Rates.

said

said officiating Minister to that Effect ; and shall order Payment thereof to be made out of the Poor Rates of such Parish, Township, or Place, and such Payment shall be paid by the Overseers, and shall be allowed in their Accounts.

Sheriff Deputes, &c. in Scotland to allow Compensation to Schoolmasters and others.

X. And be it enacted, That the Sheriff Deputes or their Substitutes and Provosts of the Royal Burghs and other Burghs in *Scotland* herein specified shall allow to the Schoolmasters and others a reasonable Compensation for the Trouble by them necessarily taken, and also for the Expences (if any) by them necessarily incurred, in the Execution of this Act, and shall order Payment thereof, and also of the Sums respectively payable to the Sheriff's Clerk or Town Clerk, and to the Sheriff's Officer or Town Officer, to be made by the Collector of the Land Tax of and for the Shire or other Place (as the Case shall require) out of any Money in his Hands, and such Collector shall pay the same accordingly.

Recited Acts to be construed with this Act.

XI. And be it enacted, That the Two recited Acts, as amended by this Act, shall be construed with and as Part of this Act.

Act may be amended.

XII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

CAP. VIII.

An Act to reduce the Duty on Rum and Rum Shrub the Produce of and imported from certain *British Possessions* in the *East Indies* into the United Kingdom. [6th April 1841.]

‘ WHEREAS it is expedient to reduce the Duties now payable by Law upon the Importation into the United Kingdom of Rum and Rum Shrub the Produce of certain *British Possessions* within the Limits of the *East India Company's Charter* into which the Importation of Foreign Sugar is or shall hereafter be prohibited:’ Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That instead of the Duties now imposed upon Rum and Rum Shrub the Produce of any such *British Possession* within the Limits of the *East India Company's Charter* there shall be raised, levied, collected, and paid unto Her Majesty, on the Importation of the same into the United Kingdom, the following Duty, in like Manner as if the same had been imposed in and by an Act passed in the Third and Fourth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for granting Duties of Customs* ; (that is to say,)

Duties on Rum and Rum Shrub the Produce of certain *East Indian Possessions* reduced.

3 & 4 W. 4. c. 56.

For every Gallon of Rum of any Strength not exceeding the Strength of Proof by *Sikes's Hydrometer*, and so in proportion for any greater or less Strength than the Strength of Proof, and for every greater or less Quantity than a Gallon,

Gallon, being the Produce of any *British* Possession within the Limits of the *East India* Company's Charter, not being sweetened or mixed with any Article, so that the Degree of Strength thereof cannot be exactly ascertained by such Hydrometer, Nine Shillings and Four-pence :

For every Gallon of Rum Shrub, however sweetened, the Produce of and imported from such Possession, and so in proportion for any greater or less Quantity than a Gallon, Nine Shillings and Four-pence.

II. Provided always, and be it enacted, That such Rum or Rum Shrub shall be the Produce of some *British* Possession within the Limits of the *East India* Company's Charter into which the Importation of Foreign Sugar shall have been prohibited.

III. Provided also, and be it enacted, That this Act shall not come into operation until satisfactory Proof shall have been laid before Her Majesty in Council that Rum and Rum Shrub the Produce of any Foreign Country, or of any *British* Possession into which Foreign Sugar or Rum can be legally imported, have been prohibited to be imported into any of the *British* Possessions within the Limits of the *East India* Company's Charter, on the Importation from which of Rum or Rum Shrub the Duty of Nine Shillings and Four-pence *per* Gallon is hereby imposed, nor until the Governor General of *India* in Council shall have passed an Act containing such Regulations for the Prevention of Frauds by the Admixture of Spirits made from Rice, Grain, or other Substances, not being the Produce of the Sugar Cane or of the Date or Palm Tree, with the Rum or Rum Shrub to be exported under this Act, or otherwise, as in the Opinion of the said Governor General in Council shall be calculated for that Purpose; and in the event of any such Prohibition, and of the Enactment of such Regulations, it shall be lawful for Her Majesty, by and with the Advice of the Privy Council, or by Her Majesty's Order in Council, to be published from Time to Time in the *London Gazette*, to allow the Importation of Rum or Rum Shrub the Produce of the Possessions aforesaid to be admitted to Entry in the United Kingdom at the Duties hereby imposed.

IV. And be it enacted, That before any such Rum or Rum Shrub shall be entered in the United Kingdom as being the Produce of any such *British* Possession the Master of the Ship importing the same shall deliver to the Collector or Comptroller of the Customs at the Port of Importation, a Certificate under the Hand and Seal of the Collector of the Sea Customs of the Port where such Rum or Rum Shrub was taken on board, testifying that there had been produced to him by the Shipper of such Rum or Rum Shrub a Certificate under the Hand and Seal of the Collector or Assistant Collector of the Land or Customs Revenue of the District within which such Rum or Rum Shrub was produced that the same was of the Produce of such District; and the said Collector of Sea Customs

Such Rum, &c. to be the Produce of certain *British* Possessions.

Act not to come into operation until Proof is laid before the Council that Foreign Rum, &c. has been prohibited to be imported into any of the *British* Possessions within the Limits of the *East India* Company's Charter from which the Importation of Rum, &c. is allowed by this Act.

Certificate of Origin.

toms shall, in the Certificate which he is hereby required to give, state the Name of the District or Districts in which such Rum or Rum Shrub was produced, the Quantity and Strength thereof, the Number and Denomination of the Packages containing the same, the Name of the Ship in which it is about to laden and of the Master thereof; and that the Master of the Vessel importing such Rum or Rum Shrub shall also make a Declaration before the Collector and Comptroller that such Certificate was received by him at the Place where such Rum or Rum Shrub was taken on board, and that the Rum or Rum Shrub so imported is the same as is mentioned therein.

Act may be amended this Session.

Governor General may appoint an Officer to give Certificates.

V. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

VI. Provided always, and be it enacted, That it shall be lawful for the Governor General of *India* in Council to appoint any Officer or Officers, other than the said Collector and Assistant Collector of Land Revenue and the Collector of Customs, to give such Certificate.

CAP. IX.

An Act for removing Doubts as to the Continuance of certain Local Turnpike Acts. [6th April 1841.]

- 4 & 5 W. 4. c. 10.
- 5 & 6 W. 4. c. 49.
- 6 & 7 W. 4. c. 62.
- 7 W. 4. &
- 1 Vict. c. 18.
- 1 & 2 Vict. c. 68.
- 2 & 3 Vict. c. 31.
- 3 & 4 Vict. c. 45.

WHEREAS sundry Acts were passed in the Fourth, Sixth, and Seventh Years of the Reign of His late Majesty, and in the First, Second, Third, and Fourth Years of the Reign of Her present Majesty, for continuing, for the Times therein respectively specified, certain Acts for regulating Turnpike Roads, which but for the passing of such first-mentioned Acts, with the Exceptions in all or some of such Acts mentioned, would have expired: And whereas it was intended that by the first-mentioned Acts all Local Acts for regulating Turnpike Roads in *Great Britain*, which, but for the said first-mentioned Acts, would have expired with the Session of Parliament in the Year One thousand eight hundred and thirty-four, or at any Time since, or will expire at or before the End of the Session of Parliament in the Year One thousand eight hundred and forty-one, should (with the Exceptions in the first-mentioned Acts specified) be continued until the First Day of *June* in the Year One thousand eight hundred and forty-two, and, if Parliament shall then be sitting, until the End of that Session; but by reason of Differences in the Words used in the Titles and in the Enactments of some of the said first-mentioned Acts, Doubts have arisen whether such Intention has been duly carried into effect, and it is expedient that such Doubts be removed: Be it therefore declared and enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and

4-5 W. 4. c. 10.
cont. 6 & 7 W. 4. c. 62

and by the Authority of the same, That all the Local Acts for regulating, making, amending, or repairing Turnpike Roads in *Great Britain* (except as above excepted) which, unless continued by some Public General Act, would have expired with the Session of Parliament in the Year One thousand eight hundred and thirty-four, or at any Time since, or will expire at or before the End of the Session of the Year One thousand eight hundred and forty-one, have continually been, and now are and shall continue to be, in full Force and Effect until the First Day of *June* in the Year One thousand eight hundred and forty-two, and if Parliament shall then be sitting, until the End of that Session of Parliament.

Certain Local Acts declared to have been and to be in force until 1st June 1842.

CAP. X.

An Act for extending to the County of the City of *Dublin* the Provisions of an Act passed in the Nineteenth and Twentieth Years of His late Majesty King *George* the Third, in *Ireland*, intituled *An Act to prevent the detestable Practices of houghing Cattle, burning of Houses, Barns, Haggards, and Corn, and for other Purposes*, so far as relates to burning of Houses. [6th April 1841.]

‘ WHEREAS an Act was passed in the Parliament of *Ireland* in the Nineteenth and Twentieth Years of the Reign of His late Majesty King *George* the Third, intituled *An Act to prevent the detestable Practices of houghing Cattle, burning of Houses, Barns, Haggards, and Corn, and for other Purposes*, whereby, and by Two Acts therein recited, passed respectively in the Seventh and Ninth Years of the Reign of His Majesty King *William* the Third, Provision was made for the Indemnification of Persons suffering in Counties at large such malicious Injuries as in the said Acts mentioned; and it is desirable that the Benefit of the said Act, as far as the same relates to the burning of Houses, Barns, Haggards, and Corn, and other Articles and Effects, be extended to the Inhabitants of the County of the City of *Dublin*:’ Be it therefore declared and enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Provisions of the said recited Acts shall be and the same are hereby extended to the County of the City of *Dublin*, as far as relates to the malicious burning of Houses, Barns, Haggards, Corn, or other Articles or Effects.

19 & 20 G. 3.
(1.)

Certain Provisions of recited Acts extended to Dublin.

II. Provided always, and be it enacted, That the Notices directed in the said recited Acts or any of them to be given by every Person so damnified be or shall have been, in the County of the said City, given to the Churchwardens of the Parish in which such Damage shall have been done, or any of them,

Notices of Damage to be given to Churchwardens, &c.

them, and to the Lord Mayor of the said City, or to the Secretary of the Grand Jury.

Persons who have suffered Loss by malicious Burning in Dublin entitled to Satisfaction by Petition to Court of Queen's Bench.

III. Provided always, and be it enacted, That all Persons who may have suffered or shall suffer any Loss or Damage from such malicious Burning as in the said Acts or any of them and herein-before mentioned, at any Time since the First Day of *January* One thousand eight hundred and forty-one, or after the passing of this Act, shall be entitled to receive Satisfaction and Amends for such Injuries within the County of the said City of *Dublin* by exhibiting at the next Presenting Term in the Court of Queen's Bench after the Offence committed, or, after the passing of this Act, exhibit such Petition for Satisfaction as is under the said Act and the Acts therein mentioned required to be exhibited to the Judge or Judges of Assize; and in examining, directing, and acting on such Petition the Court of Queen's Bench shall have and exercise the same Authority as under the said Acts is given to the Judge or Judges of Assize; and upon any such Petition such Examination shall be made, and such Presentment shall also be made, by the Grand Jury of the said County of the City of *Dublin*, and in such Manner as by the said Acts or any of them was required to be made upon any Petition to be there-under presented at any Assizes; and a Traverse of any such Presentment may be made, and such Traverse may be tried at the same or the next ensuing Presenting Term, in like Manner as any Traverse might be made under the said Acts or any of them at the Assizes at which any such Presentment might be had thereunder, or as such Traverse might be tried at the same or the next ensuing Assizes: Provided always, that any Sum of Money so presented for Damages (in case the Presentment be not discharged upon such Traverse as aforesaid) shall be levied and raised off the said County of the City of *Dublin* as the Amount of any other Presentment for the said County of the City of *Dublin* is or may be now levied and raised.

Court of Queen's Bench, in Cases arising under this Act, to exercise the like Authority as Judges of Assize under recited Act.

CAP. XI.

An Act to indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and to extend the Time limited for those Purposes respectively until the Twenty-fifth Day of *March* One thousand eight hundred and forty-two; and for the Relief of Clerks to Attornies and Solicitors in certain Cases.

[10th *May* 1841.]

WHEREAS divers Persons, who, on account of their Offices, Places, Employments, or Professions, or any other Cause or Occasion, ought to have taken and subscribed the Oaths or Assurance respectively appointed to be by such Persons taken and subscribed in and by an Act passed in the First Year of the Reign of His Majesty King *George* the First, of glorious Memory, intituled *An Act for the further Security of His Majesty's Person and Government, and the Succession of the Crown in the Heirs of the late Princess Sophia, being Protestants; and for extinguishing the Hopes of the pretended Prince of Wales, and his open and secret Abettors*; or to have qualified themselves according to an Act passed in the Thirteenth Year of the Reign of His Majesty King *Charles* the Second, intituled *An Act for the well governing and regulating of Corporations*; or to have qualified themselves according to another Act passed in the Twenty-fifth Year of the Reign of His Majesty King *Charles* the Second, intituled *An Act for preventing the Dangers which may happen from Popish Recusants*; or according to another Act passed in the Thirtieth Year of the Reign of His Majesty King *Charles* the Second, intituled *An Act for the more effectual preserving the King's Person and Government, by disabling Papists from sitting in either House of Parliament*; or according to another Act passed in the Eighth Year of the Reign of His Majesty King *George* the First, intituled *An Act for granting the People called Quakers such Forms of Affirmation or Declaration as may remove the Difficulties which many of them lie under*; or according to another Act passed in the Ninth Year of the Reign of His Majesty King *George* the Second, intituled *An Act for indemnifying Persons who have omitted to qualify themselves for Offices within the Time limited by Law, and for allowing further Time for that Purpose; and for amending so much of an Act passed in the Second Year of the Reign of His present Majesty as requires Persons to qualify themselves for Offices before the End of the next Term or Quarter Sessions, and also for enlarging the Time limited by Law for making and subscribing the Declaration against Transubstantiation; and for allowing a further Time for Enrolment of Deeds and Wills made by Papists; and for Relief of Protestant Purchasers, Devisees, and Lessees*; or according to another Act passed in the Eighth

1 G. 1. st. 2. c. 13.
13 C. 2. st. 2. c. 1.
25 C. 2. st. 2. c. 2.
30 C. 2. st. 2.
8 G. 1. c. 6.
9 G. 2. c. 26.

[No. 8. *Price* 2d.] H 'teenth

- 18 G. 2. c. 20. 'teenth Year of the Reign of His Majesty King George the
' Second, intituled *An Act to amend and render more effectual
' an Act passed in the Fifth Year of His present Majesty's Reign,
' intituled 'An Act for the further Qualification of Justices of the
' Peace;* or according to another Act passed in the Sixth
6 G. 3. c. 53. ' Year of the Reign of His Majesty King George the Third,
' intituled *An Act for altering the Oath of Abjuration and the
' Assurance; and for amending so much of an Act passed in the
' Seventh Year of the Reign of Her late Majesty Queen Anne,
' intituled 'An Act for the Improvement of the Union of the Two
' Kingdoms,' as after the Time therein limited requires the Delivery
' of certain Lists and Copies therein mentioned to Persons indicted
' of High Treason or Misprision of Treason; or according to
' another Act passed in the Ninth Year of the Reign of His
9 G. 4. c. 17. ' Majesty King George the Fourth, intituled *An Act for repeal-
' ing so much of several Acts as imposes the Necessity of receiving
' the Sacrament of the Lord's Supper as a Qualification for cer-
' tain Offices and Employments; or according to another Act
' passed in the Tenth Year of the Reign of His said Majesty,
10 G. 4. c. 7. ' intituled *An Act for the Relief of His Majesty's Roman Catholic
' Subjects, so far only as the said Act relates to any Civil or
' Military Offices or Places of Trust, or Places of Profit or
' Corporate Offices; have, through Ignorance of the Law,
' Absence, or some unavoidable Accident, omitted to take and
' subscribe the Oaths and Assurance and make and subscribe
' the Declaration required by the said recited Acts or either
' of them, or otherwise to qualify themselves as aforesaid,
' within such Time and in such Manner as in and by the said
' Acts respectively is required, whereby they have incurred,
' or may be in danger of incurring, divers Penalties and Dis-
' abilities: For quieting the Minds of Her Majesty's Subjects,
and for preventing any Inconvenience that might otherwise
happen by means of such Omissions, be it enacted by the
Queen's most Excellent Majesty, by and with the Advice and
Consent of the Lords Spiritual and Temporal, and Commons,
in this present Parliament assembled, and by the Authority of
the same, That all and every Person or Persons who, at or
before the passing of this Act, hath or shall have omitted to
take and subscribe the Oaths and Declarations, or otherwise
to qualify him, her, or themselves, within such Time and in
such Manner as in and by the said Acts or any of them is
required, and who, after accepting any such Office, Place, or
Employment, or undertaking any Profession or Thing, on ac-
count of which such Qualification ought to have been had and
is required, before the passing of this Act hath or have taken
and subscribed the said Oaths or made the Declarations required
by Law, or who, on or before the Twenty-fifth Day of March
One thousand eight hundred and forty-two, shall take and sub-
scribe the Oaths, Declarations, and Assurance respectively, in
such Cases wherein by the said several Acts or any or either
of them the said Oaths, Declarations, and Assurance ought to
have been taken and subscribed, in such Manner and Form,
and***

Persons who
have omitted
to qualify
themselves as
required by the
recited Acts
indemnified
and allowed
further Time.

and at or in such Place or Places, as are appointed in and by the said several Acts or any or either of them, shall be and are hereby indemnified, freed, and discharged from and against all Penalties, Forfeitures, Incapacities, and Disabilities incurred or to be incurred for or by reason of any Neglect or Omission, previous to the passing of this Act, of taking or subscribing the said Oaths or Assurance, or making or subscribing the said Declarations respectively, or taking or subscribing the said Oath, according to the above-mentioned Acts or any of them, or any other Act or Acts; and such Person or Persons is and are and shall be fully and actually recapacitated and restored to the same State and Condition as he, she, or they were in before such Neglect or Omission, and shall be and be deemed and adjudged to have duly qualified him, her, or themselves according to the above-mentioned Acts and every of them; and that all Elections of, and Acts done or to be done by, any such Person or Persons, or by Authority derived from him, her, or them, are and shall be of the same Force and Validity as the same or any of them would have been if such Person or Persons respectively had taken the said Oaths or Assurance, and made and subscribed the said Declarations respectively, and taken and subscribed the said Oath, according to the Directions of the said Acts and every or any of them; and that the Qualification of such Person or Persons qualifying themselves in manner and within the Time appointed by this Act shall be to all Intents and Purposes as effectual as if such Person or Persons had respectively taken the said Oaths and Assurance, and made and subscribed the said Declarations respectively, and taken and subscribed the said Oath, within the Time and in the Manner appointed by the several Acts before mentioned.

II. ' And whereas several Persons well affected to Her Majesty's Government, and to the United Church of *England* and *Ireland*, have, through Ignorance of the Law, neglected, or been, by Sickness or other unavoidable Causes, prevented from taking and subscribing the Declaration according to the Directions of an Act passed in the Parliament of *Ireland* in the Second Year of the Reign of Her Majesty Queen *Anne*, intituled *An Act to prevent the further Growth of Popery* ;' be it therefore enacted, That all Persons who have incurred any Penalty or Incapacity in the said recited Act mentioned, by neglecting to qualify themselves according to the said Act, shall be and are hereby indemnified, freed, and discharged from all Incapacities, Disabilities, Penalties, and Forfeitures incurred by reason of such Omission or Neglect as aforesaid; and that no Act done by any of them, not yet avoided, shall be questioned or avoided by reason of such Omission or Neglect, but that all such Acts shall be and are hereby declared to be as good and effectual as if such Persons respectively had taken and subscribed the said Oath, and made and repeated and subscribed the said Declaration, at such Time and Place and Manner as in the said Act is mentioned; any thing in the said Act to the contrary notwithstanding: Provided always, that such Person

Indemnity to those who have omitted to make and subscribe the Oath and Declaration required by the Irish Act of 2 Anne.

or Persons do and shall take and subscribe the said Oaths, and make, repeat, and subscribe the said Declaration, in such Manner and Form, and in such Place or Places respectively, as are directed and appointed by the said last-recited Act, on or before the Twenty-fifth Day of *March* One thousand eight hundred and forty-two.

Not to indemnify Persons against whom final Judgment has been given.

III. Provided always, and be it enacted, That this Act, or any thing herein contained, shall not extend or be construed to extend to indemnify any Person against whom final Judgment shall have been given in any Action of Debt, Bill, Plaint, or Information, in any of Her Majesty's Courts of Record, for any Penalty incurred by having neglected to qualify himself within the Time limited by Law.

Not to exempt Justices acting without legal Qualification.

IV. Provided also, and be it enacted, That nothing contained in this Act shall extend or be construed to extend to exempt any Justice of the Peace within *Great Britain* from the Penalties to which he is subject for acting as such without being possessed of the Qualification required by the Laws now in force.

Admissions to Corporations may be stamped after the Time allowed.

V. ' And whereas the Appointment of divers Clerks of the Peace, Town Clerks, and other Public Officers, and the Admission of divers Members and Officers of Cities, Corporations, and Borough Towns in *Great Britain* and *Ireland*, or the Entries of such Admissions in the Court Books, Rolls, or Records of such Cities, Corporations, and Borough Towns, which by several Acts are directed and required to be stamped, may not have been provided or the same not stamped, or may have been lost or mislaid; be it enacted, That for the Relief of such Persons whose Appointments and Admissions, or the Entries of whose Admissions as aforesaid, may not have been provided or not duly stamped, or where the same have been lost or mislaid, it shall and may be lawful to and for such Persons in *Great Britain* or *Ireland*, on or before the Twenty-fifth Day of *March* One thousand eight hundred and forty-two, to provide or cause to be provided Appointments and Admissions, or Entries of Admissions, as aforesaid, duly stamped; or in case where such Appointments, Admissions, or Entries of Admissions as aforesaid have been made or provided, but have not been duly stamped, to produce such Appointments, Admissions, or Entries of Admissions as aforesaid to the Commissioners appointed to inspect and manage the Revenues of the Stamp Duties, to be duly stamped, which such Commissioners are hereby authorized and empowered and required to duly stamp, on Payment of Double the Amount of the Duties first payable or to have been paid on such Appointments, Admissions, or Entries as aforesaid, without any other Fine or Forfeiture thereon; and in order to denote the said Duties the said Commissioners are hereby authorized and empowered to use such Stamps as shall have been heretofore provided to denote any former Duties on stamped Vellum, Parchment, and Paper, or to cause new Stamps to be provided for that Purpose, and to do all other Things

Things necessary for putting this Act in execution, in the like and in as full and ample Manner as they or the major Part of them are authorized to put in execution any former Law concerning stamped Vellum, Parchment, and Paper; and such Persons so providing Appointments, Admissions, or Entries of Admissions as aforesaid, duly stamped, or procuring the same to be duly stamped in manner aforesaid, are and shall be hereby confirmed and qualified to act as Clerk of the Peace, Town Clerk, and other Public Officer, or Member or Members, Officer or Officers, of such Cities, Corporations, and Borough Towns respectively, to all Intents and Purposes, and shall and may hold and enjoy and execute such Offices, or any other Office or Offices into which he or they hath or have been elected, notwithstanding his or their Omission, or the Omission of any of their Predecessors in such Cities, Corporations, or Borough Towns as aforesaid, and shall be indemnified and discharged of and from all Incapacities, Disabilities, Forfeitures, Penalties, and Damages by reason of any such Omission; and none of his or their Acts shall be questioned or avoided by reason of the same.

VI. ' And whereas many Persons who may have paid the proper Stamp Duties, either before or within Six Months after the Execution of the Contracts in Writing entered into by them to serve as Clerks to Attornies or Solicitors, Scribes, or Notaries Public in *Great Britain*, have omitted to cause Affidavits to be made, and afterwards to be filed in the proper Office, of the actual Execution of such Contracts, and have also omitted to cause such Contracts and the Indentures thereof, or the Assignment of any such Indentures, to be enrolled within the Time in which the same ought to have been done; and many Solicitors, Attornies, Notaries Public, and others, have omitted to take out Annual Certificates, or to enter the same in the proper Office, and many Infants and others may thereby incur certain Disabilities? For preventing thereof, and relieving such Persons, be it enacted, That every Person who shall, either before or within Six Months after the Execution of such Contract or Indenture, have paid the proper Stamp Duty in that Behalf, and who at the passing of this Act shall have neglected or omitted to cause any such Affidavit or Affidavits as aforesaid to be made and filed, or such Contract or Indenture or Assignment to be enrolled, and who, on or before the First Day of *Hilary Term* One thousand eight hundred and forty-two, shall cause such Contract or Indenture or Assignment to be enrolled with the proper Officer in that Behalf, and One or more Affidavit or Affidavits to be made, and afterwards to be filed, in such Manner as the same ought to have been made and filed, in due Time, shall be and is hereby indemnified, freed, and discharged from and against all Penalties, Forfeitures, Incapacities, and Disabilities in or by any Act or Acts mentioned, and incurred or to be incurred for or by reason of such Neglect or Omission; and every such Affidavit and Affidavits so to be made, and which shall be duly

Indemnity to Persons who have paid the Duties on Indentures to serve as Clerks to Attornies, &c., but have neglected to cause Affidavits thereof to be made.

filed on or before the First Day of *Hilary* Term One thousand eight hundred and forty-two, shall be as effectual to all Intents and Purposes as if the same had been made and filed within the respective Times the same ought, by the Laws now in being for that Purpose, to have been made and filed; and that the respective Officer or Officers who ought to receive, file, enter, or register such Contract or Indenture, or Affidavit or Affidavits, shall not refuse to receive, file, enter, or register the same, by reason that the Attorney, Solicitor, or Notary Public to whom such Infant or other Person shall have been articulated or assigned, or have contracted to serve, shall have neglected to take out his Annual Certificate, or to register the same, but such Officer or Officers are hereby directed and empowered to receive, file, enter, or register the same, notwithstanding such Omission; and that every Person who shall have regularly served any Attorney or Attornies, Solicitor or Solicitors, Notary Public or Notaries Public, for the Term of Years required by Law, shall not be prevented or disqualified from being admitted an Attorney, Solicitor, or Notary Public, by reason of any Omission of the Person or Persons to whom he served for the same Term, or for any Part thereof, having so neglected to take out his Annual Certificate or to register the same; provided that such Person is otherwise entitled to be created and admitted to such Office by the Laws now in force relating thereto.

Neglect of Attornies, &c. in taking out their Annual Certificates not to disqualify the Persons who have served them.

Defects in the Service, &c. of Attornies not to disqualify Persons who have served them.

VII. And be it enacted, That in case the Attorney, Solicitor, Proctor, or Notary to whom any Person shall have duly served his Clerkship under Articles in Writing for that Purpose shall after such Service of the Clerk be struck off the Roll in consequence of some Defect in the Service under the Articles of Clerkship or of the Admission and Enrolment of such Attorney, Solicitor, Proctor, or Notary, the Person who has so duly served his Clerkship shall not be prevented or disqualified from being admitted and enrolled as an Attorney, Solicitor, Proctor, or Notary, nor liable to be struck off the Roll if admitted, by reason of any such Defect as aforesaid, provided that such Clerk or Person be otherwise entitled to be admitted and enrolled according to the Laws now in force relating thereto.

Applications for striking Attornies off the Roll for Defect in Articles, &c. to be made within 12 Months of Admission.

VIII. And be it enacted, That no Person who has been admitted and enrolled in actual Practice as an Attorney, Solicitor, Proctor, or Notary shall be liable to be struck off the Roll for or on account of any Defect in the Articles of Clerkship, or the Registry thereof, or the Service under such Articles, or of his Admission and Enrolment, unless the Application for striking him off the Roll be made within Twelve Months from the Time of his Admission and Enrolment.

The Word "Months" in 7 G. 4. c. 44. to mean Calendar Months.

IX. ' And whereas by an Act passed in the Seventh Year of the Reign of His Majesty King *George* the Fourth, to allow, ' until the Tenth Day of *October* One thousand eight hundred ' and twenty-six, the Enrolment of certain Articles of Clerk- ' ship, and for other Purposes therein mentioned, it was ' enacted, that it should not be lawful for the Commissioners

' of

' of Stamps, or any of their Officers, to stamp, under any
' Pretence whatever, after the Expiration of Six Months from
' their Date, any Articles of Clerkship to Attornies or others,
' as therein specified: And whereas the using of the Word
' "Months" in the said last-mentioned Act, in this respect,
' without the Addition of the Word "Calendar," occasioned
' Mistakes and Inconveniences;' be it enacted, That from and
after the passing of this Act the Word "Months" used in
the said last-mentioned Act, so far as the same relates to the
stamping of Articles of Clerkship to Attornies and others
therein specified, shall be understood to mean Calendar Months.

X. ' And whereas several Persons bound to serve as Clerks
' or Apprentices to Attornies or Solicitors have applied to have
' the Indentures or Contracts of such Clerkship stamped after
' the Expiration of Six Lunar and before the Expiration of Six
' Calendar Months from the Date thereof;' be it enacted, That
it shall and may be lawful for the Commissioners of Stamps and
Taxes, or any of their proper Officers, at any Time before the
last Day of *Michaelmas* Term One thousand eight hundred and
forty-one, to stamp any Articles of Clerkship, Contract, Inden-
ture, or other Instrument whereby any Person hath become
bound to serve as a Clerk or Apprentice, in order to his
Admission as an Attorney or Solicitor in any of the Courts of
Law or Equity, although the Period of Six Calendar Months
from the Date thereof hath now elapsed, upon Payment of the
proper Duty payable in respect of the same, and of the further
Sum of Five Pounds by way of Penalty, provided it shall be
proved to the Satisfaction of the said Commissioners that Appli-
cation was made to them or to their proper Officer to have
such Articles, Contract, Indenture, or Instrument stamped with-
in Six Calendar Months from the Date thereof.

Indentures, &c.
may be stamped
before last Day
of Michaelmas
Term 1841, if
Application was
made therefor
within Six Ca-
lendar Months
from the Dates
thereof.

XI. Provided always, and be it enacted, That this Act or
any thing herein contained shall not extend or be construed
to extend to restore or entitle any Person or Persons to any
Office or Employment, Benefice, Matter, or Thing whatsoever,
already actually avoided by Judgment of any of Her Majesty's
Courts of Record, already legally filled up and enjoyed by any
other Person; but that such Office or Employment, Benefice,
Matter, or Thing so avoided, or legally filled up and enjoyed,
shall be and remain in and to the Person or Persons who is or
are now or shall at the passing of this Act be legally entitled
to the same, as if this Act had never been passed.

Not to restore
Persons to any
Office avoided
by Judgment.

XII. And be it enacted, That in case any Action, Suit, Bill
of Indictment, or Information shall from and after the passing
of this Act be brought, carried on, or prosecuted against any
Person or Persons hereby meant or intended to be indemnified,
recapacitated, or restored, for or on account of any Forfeiture,
Penalty, Incapacity, or Disability whatsoever, incurred or to be
incurred by any such Neglect or Omission, such Person or
Persons may plead the General Issue, and upon their Defence
give this Act and the special Matter in Evidence upon any Trial
to be had thereupon.

General Issue.

CAP. XII.

An Act to enable Her Majesty's Commissioners of Woods to make a new Street from *Coventry Street, Piccadilly*, to *Long Acre*, and for other Improvements in the Metropolis. [10th May 1841.]

WHEREAS an Act was passed in the Second and Third Year of the Reign of Her present Majesty, intituled *An Act to empower the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings to raise a Sum of Money for making additional Thoroughfares in the Metropolis*, reciting that in order to remove many of the existing Obstructions which impeded the main Lines of Communication in several Parts of the Metropolis, and for creating new and commodious Thoroughfares in such Districts, so as to afford additional Facilities of Intercourse, it had been proposed to open a convenient Thoroughfare from the End of *Coventry Street* to the Junction of *Newport Street* and *Long Acre*, and to continue the Line of Street from *Waterloo Bridge*, then already completed, to *Bow Street*, from thence Northward into *Broad Street, Holborn*, to extend *Oxford Street* in a direct Line through *Saint Giles's*, so as to communicate with *Holborn* at or near *Southampton Street*, and to open a spacious Thoroughfare between the populous Neighbourhood of *Whitechapel* and *Spitalfields* and the Docks and Wharfs of the River *Thames*, by widening the Northern and Southern Extremities of *Leman Street*, and by creating a new Street from the Northern Side of *Whitechapel* to the Front of *Spitalfields Church*; and reciting that it was expedient that the carrying into effect such several Alterations and Improvements should be placed under the Direction and Superintendence of the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, subject to the Approbation of the Lord High Treasurer or the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain and Ireland* for the Time being; and reciting that the Income of certain of the several Funds therein mentioned, charged by certain Acts therein recited, of the Tenth Year of the Reign of His late Majesty King *George the Fourth*, the Eleventh Year of the Reign of His said late Majesty, and the First and Second Years of the Reign of Her present Majesty, with the Repayment of the several Sums thereby authorized and directed to be raised for the several Purposes therein mentioned, had so much increased as to render it probable that if the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings were empowered to raise the Sum of Two hundred thousand Pounds on the Credit of the said several Funds (such Sum of Two hundred thousand Pounds to be applied by them towards the making and completing the several Alterations and Improvements therein-before men-

tioned),

2 & 3 Vict. c. 80.

part c 40
5-11-41 c 64

tioned), the Surplus of such Funds would be amply sufficient
 to pay the Interest thereof, and also to pay off, on or before
 the Fifth Day of *July* One thousand eight hundred and fifty-
 eight, the Principal thereof, as well as the Principal Sums of
 Money and Interest and Annuities then remaining charged
 thereon, it was by the now-reciting Act enacted, that the
 Commissioners for the Time being of Her Majesty's Woods,
 Forests, Land Revenues, Works, and Buildings should be
 and they were thereby appointed Commissioners for executing
 and completing the several Alterations and Improvements
 therein-before mentioned, and for carrying the Purposes of the
 now-reciting Act into execution; and it was thereby enacted,
 that for providing a Fund for the Purposes of the now-reciting
 Act it should be lawful for the Commissioners of Her Majesty's
 Woods, Forests, Land Revenues, Works, and Buildings for
 the Time being, from Time to Time, with the Consent of the
 Lord High Treasurer of the United Kingdom of *Great Bri-*
tain and Ireland, or of the Commissioners for executing the
 Office of Lord High Treasurer of the said United Kingdom,
 or any Three or more of them, to charge the Funds therein-
 after mentioned, and made subject as after mentioned, with
 the Payment of any Sum or Sums of Money not exceeding
 in the whole the Sum of Two hundred thousand Pounds,
 together with Interest on the Sum or Sums to be charged,
 from the Time of charging the same, not exceeding Five
 Pounds *per Centum per Annum*, to be payable half-yearly;
 and it was thereby enacted, that the Fund called "The
 Orphans Fund," and the Fund called "The *London Bridge*
 Approaches Fund," and all and singular the Funds, Duties,
 Impositions, and Revenues created, constituted, imposed, or
 continued by the said therein-recited Acts of the Tenth Year
 of the Reign of King *George* the Fourth, the Eleventh Year
 of the Reign of King *George* the Fourth, and the First and
 Second Years of the Reign of Her present Majesty, or any or
 either of them, should be the Fund to be charged by Her
 Majesty's said Commissioners, and should be applicable, after
 the Sums then already borrowed thereon should have been
 paid off and discharged, to the Payment of all such Monies
 as might be charged thereon by the Commissioners for exe-
 cuting the now-reciting Act, and the Interest thereof, until
 the Sum or Sums and Interest to be charged thereon as
 last aforesaid should be paid off and discharged; and it was
 thereby enacted that, for the Purposes of the now-reciting
 Act, it should be lawful for the Commissioners of Her Ma-
 jesty's Woods, Forests, Land Revenues, Works, and Build-
 ings, by and with the Consent and Approbation of the Lord
 High Treasurer, or the Commissioners of Her Majesty's
 Treasury, for the Time being, to borrow and raise any Sum
 or Sums of Money, not exceeding in the whole the Sum of
 Two hundred thousand Pounds, upon the Credit of the said
 Monies and Interest so to be charged in manner therein men-
 tioned; and it was thereby enacted, that the Sum and Sums

of

of Money which the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings were thereby authorized to charge, or which might be borrowed and taken up at Interest by the said Commissioners, in pursuance of the Powers of the said recited Act, should be applied, in the first place, in paying all the Charges and Expences of or incident to or incurred in the obtaining and passing the now-reciting Act, and any other Act for the Purpose of making and completing the said Improvements, and afterwards in paying and discharging the necessary Expences of surveying, designing, laying out, making, and completing the Streets and other Improvements which were to be made and done by the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, in such Manner as might be provided in any Act to be passed for that Purpose; and it was thereby enacted, that it should be lawful for the said Commissioners for executing the said Act, and they were thereby authorized and empowered, by and with the Consent and Approbation in Writing of the Lord High Treasurer of the United Kingdom of *Great Britain and Ireland*, or of the Commissioners for executing the Office of Lord High Treasurer, or any Three or more of them, to cause proper Surveys and Plans to be made of the Direction of the said intended Thoroughfares or Streets, and to submit the same for Approval to the Lord High Treasurer, or the Commissioners for executing the Office of Lord High Treasurer: And whereas an Act was passed in the Third and Fourth Year of the Reign of Her present Majesty, intituled *An Act to enable Her Majesty's Commissioners of Woods, Forests, Land Revenues, Works, and Buildings to make additional Thoroughfares in the Metropolis*, reciting the herein-before recited Act of the Second and Third Year of the Reign of Her present Majesty, and also reciting that the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings had, by and with the Consent and Approbation of the Lords Commissioners of Her Majesty's Treasury, and in pursuance of the Provisions contained in the said last-mentioned Act, caused Surveys and Plans to be made of Three of the said intended new Thoroughfares or Streets mentioned or referred to in the said Act, and which said Three new Thoroughfares or Streets were proposed to be made in the following Lines or Directions; (namely,) one of such Streets was intended to be commenced from the East End of *Oxford Street*, and to run from thence in or nearly in a direct Line therewith Eastward into *Holborn*, at or near the South End of *Southampton Street*, *Bloomsbury Square*; another of such Streets was intended to commence from the North Side of *Long Acre*, opposite *Bow Street*, and to run from thence in or nearly in a North-west Direction to *Charlotte Street*, *Bloomsbury*; and the other of such Streets was intended to commence from or near to the *London Docks*, and to run from thence into *Leman Street*, and from thence in a North-west Direction

3 & 4 Vict. c. 87.

nearly

' nearly in a direct Line with *Leman Street* to the West Front
 ' of *Spitalfields Church*; and reciting that it was expedient that
 ' the Commissioners of Her Majesty's Woods, Forests, Land
 ' Revenues, Works, and Buildings should be authorized and
 ' empowered, by and out of the Monies which they were by the
 ' said recited Act of the Second and Third Year of the Reign
 ' of Her present Majesty authorized to raise as aforesaid, and
 ' the Monies which they were by the now-reciting Act autho-
 ' rized and empowered to charge and raise, and other the
 ' Monies by the now-reciting Act made applicable to the
 ' Purposes of that Act, to make, form, and complete the said
 ' Three Thoroughfares or new Streets from *Oxford Street* to
 ' *Holborn*, from *Long Acre* to *Charlotte Street*, and from the
 ' *London Docks* to *Spitalfields Church*, as therein-before was
 ' mentioned, and to divert, alter, widen, and improve such
 ' Parts of the present Streets as would form Entrances into
 ' such new Streets, or into the Streets, Squares, and Places
 ' connected therewith, according to the Plans therein men-
 ' tioned; it was by the now-reciting Act enacted, that it should
 ' be lawful for the Commissioners of Her Majesty's Woods,
 ' Forests, Land Revenues, Works, and Buildings, for the Time
 ' being, and they were thereby authorized and empowered, to
 ' make, form, and complete the several new Streets, Improve-
 ' ments, and Alterations therein-before mentioned; and it was
 ' thereby further enacted, that the said Funds by the said
 ' recited Act of the Second and Third Year of the Reign of
 ' Her present Majesty authorized to be charged by the said
 ' Commissioners of Her Majesty's Woods, Forests, Land
 ' Revenues, Works, and Buildings, should be the several Duties
 ' on Coals imported into the Port of *London*, and brought by
 ' inland Conveyance, the Duty on Wine, the several annual
 ' Sums charged on the Revenues of the City of *London*,
 ' amounting to the annual Sum of Eleven thousand five hun-
 ' dred Pounds, the Fees payable on the Admission of Freeman
 ' and on the binding of Apprentices, and for Aqueducts, and
 ' which said Funds respectively were in and by the said recited
 ' Act mentioned or referred to; and it was thereby further
 ' enacted, that all and every the Monies by the said recited
 ' Act of the Second and Third Year of the Reign of Her
 ' present Majesty authorized to be charged and borrowed
 ' should, subject to the Application thereof so directed to be
 ' made by the said recited Act, be applied by the Commissioners
 ' of Her Majesty's Woods, Forests, Land Revenues, Works, and
 ' Buildings to the carrying into effect the Purposes of the now-
 ' reciting Act; and it was thereby further enacted, that it should
 ' be lawful for the said Commissioners of Her Majesty's Woods,
 ' Forests, Land Revenues, Works, and Buildings, by and with
 ' the Consent and Approbation of the Lord High Treasurer,
 ' or the Commissioners of Her Majesty's Treasury for the Time
 ' being, (in addition to and over and above the Sum of Two
 ' hundred thousand Pounds by the said therein and herein-
 ' before recited Act of the Second and Third Year of the
 ' Reign

3 & 4 Vict.
c. cxxxi.

' Reign of Her present Majesty authorized to be raised and
 ' borrowed upon the Credit of the Monies and Interest therein
 ' mentioned,) to charge, borrow, and raise, for the Purposes of
 ' the now-reciting Act, any further Sum or Sums of Money,
 ' not exceeding in the whole the Sum of One hundred thousand
 ' Pounds, upon the Credit of the Monies and Interest in the
 ' said Act mentioned, and therein-before specified as the Funds
 ' by the said recited Act authorized to be charged: And
 ' whereas an Act was passed in the Third and Fourth Year of
 ' the Reign of Her present Majesty, intituled *An Act to continue*
 ' *for Four Years from the Fifth Day of July One thousand eight*
 ' *hundred and fifty-eight the Duties now levied on Coal and Wines*
 ' *imported into the Port of London*, reciting, amongst other
 ' things, the herein-before recited Act passed in the Second and
 ' Third Year of the Reign of Her present Majesty; and reciting,
 ' that for the providing a Fund for the making additional
 ' Thoroughfares and Improvements in the Metropolis, to be
 ' executed under the Direction of the Lord High Treasurer or
 ' the Commissioners of Her Majesty's Treasury, and more par-
 ' ticularly an intended Thoroughfare from *Coventry Street* to
 ' *Long Acre* in the County of *Middlesex*, and another intended
 ' Thoroughfare from *Southwark* to *Westminster Bridge* in the
 ' County of *Surrey*, and for completing certain Thoroughfares
 ' in the City of *Westminster* and *Clerkenwell* in the said County
 ' of *Middlesex*, in such Manner as should be provided and
 ' determined by any Act to be passed in the then present or any
 ' future Session of Parliament, it was expedient that the Duty
 ' on Coals and Culm and Small Coal imported into the Port of
 ' *London* or the River *Thames* within the Liberty of the said
 ' City, imposed or continued by the Act of the Tenth Year of
 ' the Reign of His late Majesty King *George* the Fourth for the
 ' Term of Twenty-one Years from the Fifth Day of *July* One
 ' thousand eight hundred and thirty-seven, should be continued
 ' for a further Term of Four Years from the said Fifth Day of
 ' *July* One thousand eight hundred and fifty-eight, when the
 ' same would otherwise cease, and that the Duty on Wines
 ' granted as therein is mentioned should continue payable for
 ' a further Term of Four Years; it was by the now-reciting
 ' Act enacted, that all and every the Rates, Impositions, and
 ' Duties on Coal imported into the Port of *London* or the River
 ' *Thames* within the Liberty of the said City, which by the said
 ' Act of the Tenth Year of the Reign of King *George* the
 ' Fourth were continued for a Term which would expire on the
 ' Fifth Day of *July* One thousand eight hundred and fifty-eight,
 ' should be and were thereby continued and made payable
 ' for the further Term of Four Years from the Fifth Day of *July*
 ' One thousand eight hundred and fifty-eight; and it was
 ' thereby further enacted, that for the Purposes aforesaid the
 ' Duty of Four Shillings *per Tun* on Wines imposed by the
 ' Act of the Fifth and Sixth Year of the Reign of King *William*
 ' and Queen *Mary*, therein recited, should continue and be
 ' payable in all respects as the same was then payable for the
 ' further

further Term of Four Years from the Fifth Day of *July One*
 thousand eight hundred and fifty-eight: And whereas the
 Commissioners of Her Majesty's Woods, Forests, Land Re-
 venues, Works, and Buildings have, with the Consent and
 Approbation of the Lords Commissioners of Her Majesty's
 Treasury, caused a Survey and Plan to be made of the said
 intended Street or Thoroughfare from the East End of
Coventry Street to the West End of *Long Acre*, mentioned or
 referred to in the said last before recited Act of the Third and
 Fourth Year of the Reign of Her present Majesty, which said
 Thoroughfare or new Street is or will be situate in the several
 Parishes of *Saint Martin in the Fields* and *Saint Ann Soho* in
 the said County of *Middlesex*: And whereas, in order to make
 the Thoroughfare or new Street authorized to be formed and
 made by the first herein-before recited Act of the Third and
 Fourth Year of the Reign of Her present Majesty, from the
London Docks to *Spitalfields Church*, more complete and per-
 fect, it is expedient to make and form a new Thoroughfare or
 Street, to commence at the East End of *East Smithfield* near
 to the Entrance of the *London Docks*, and to extend from
 thence into *Rosemary Lane* nearly opposite to the South End
 of *White Lion Street*, where such Thoroughfare or new Street
 will join the said Thoroughfare or new Street so authorized to
 be made and formed by the said first herein-before recited Act
 of the Third and Fourth Year of the Reign of Her present
 Majesty as aforesaid: And whereas the Commissioners of Her
 Majesty's Woods, Forests, Land Revenues, Works, and Build-
 ings have, with the Consent and Approbation of the Lords
 Commissioners of Her Majesty's Treasury, caused a Survey
 and Plan to be made of the said Thoroughfare or new Street
 from *East Smithfield* to *Rosemary Lane*, which said Thorough-
 fare or new Street will be situate in the Parishes of *Saint John*
Wapping and *Saint Mary Whitechapel* in the said County of
Middlesex: And whereas the said Surveys and Plans, made
 under the Direction of the Commissioners of Her Majesty's
 Woods, Forests, Land Revenues, Works, and Buildings as aforesaid,
 have been submitted to the Commissioners of Her Majesty's
 Treasury, and the same have been approved by them:
 And whereas it is expedient that the said new Thoroughfares
 or Streets, from the East End of *Coventry Street, Piccadilly*, to
 the West End of *Long Acre*, and from *East Smithfield* to *Rose-*
mary Lane, should be also made, formed, and completed by the
 Commissioners of Her Majesty's Woods, Forests, Land Revenues
 Works, and Buildings: And whereas an Act was passed in
 the Second Year of the Reign of Her present Majesty, intituled
An Act for making a new Street from Holborn Bridge 1 & 2 Vict.
in the City of London towards Clerkenwell Green, under c. lxxiii.
 which Act the Mayor, Commonalty, and Citizens of the City
 of *London* have purchased certain Lands, and have pulled
 down the Buildings thereon, and cleared the Site for the
 said intended Street, to or nearly to the South-western Boun-
 dary of the County of *Middlesex*: And whereas an Act was
 passed

3&4 Vict. c. cxii.

' passed in the Third and Fourth Year of the Reign of
 ' Her present Majesty, intituled *An Act for opening a Street to*
 ' *Clerkenwell Green in the County of Middlesex, in continuation*
 ' *of the new Street from Farringdon Street in the City of London,*
 ' under which last-mentioned Act certain Persons are appointed
 ' Commissioners for making a Street from the Termination of
 ' the Street authorized to be made by the said recited Act of
 ' the Second Year of the Reign of Her present Majesty to
 ' *Clerkenwell Green*: And whereas essential Benefit would be
 ' afforded to the Public by the Completion of a Line of Com-
 ' munication between *Southwark and Westminster Bridge*, now
 ' partly existing through *Stamford Street, Blackfriars*, which, in
 ' communication with the *York Road*, would make a continuous
 ' Line of broad and open Street from *Westminster Bridge* to
 ' *London Bridge*, and provide a ready Means of Communication
 ' between the Terminus of the *Brighton and Kent* Railroads
 ' situate at *London Bridge* and the whole of the West End of
 ' the Metropolis: And whereas essential Benefit would also be
 ' afforded to the Public if a spacious and convenient Com-
 ' munication were made between the Neighbourhood of the
 ' Parliament Houses and that of *Buckingham Palace*, passing
 ' through a District in the City of *Westminster* which is now
 ' very insalubrious by reason of the Want of a sufficient Drain-
 ' age, and for other Causes, which would be thereby removed:
 ' And whereas it is expedient that the Commissioners of Her
 ' Majesty's Woods, Forests, Land Revenues, Works, and Build-
 ' ings should be authorized, by and with the Consent and
 ' Approbation of the Lord High Treasurer or the Commis-
 ' sioners of Her Majesty's Treasury, to advance, or to ap-
 ' propriate and apply, out of the Monies to be borrowed and
 ' raised by them under the Provisions of this Act, any Sum
 ' not exceeding the Sum of Twenty-five thousand Pounds,
 ' towards the Expences attending the forming, making, and
 ' completing the said Street, from the Termination of the
 ' Street authorized to be made by the Mayor, Commonalty,
 ' and Citizens of the City of *London*, under the said recited
 ' Act of the Second Year of the Reign of Her present Ma-
 ' jesty, to *Clerkenwell Green*, and any Sum not exceeding the
 ' Sum of Thirty thousand Pounds towards the Expence of
 ' forming, making, and completing a Line of Street between
 ' *Southwark and Westminster Bridge*, and also any Sum not
 ' exceeding the Sum of Thirty-nine thousand Pounds towards
 ' the Expence of forming, making, and completing a spacious
 ' and convenient Communication, as aforesaid, between the
 ' Houses of Parliament and *Buckingham Palace*, in such Man-
 ' ner as is herein-after provided; and for the Purpose of pro-
 ' viding a Fund to enable the said Commissioners to effect
 ' the several Objects aforesaid it is expedient that they the said
 ' Commissioners should be authorized to charge the said Funds
 ' by the said recited Act of the Second and Third Year of the
 ' Reign of Her present Majesty authorized to be charged by
 ' the said Commissioners, and defined and specified by the said
 first-

‘ first-recited Act passed in the Third and Fourth Year of the
 ‘ Reign of Her present Majesty, (subject nevertheless to the
 ‘ said several Sums of Two hundred thousand Pounds and One
 ‘ hundred thousand Pounds, and Interest, which they are
 ‘ already authorized to charge as aforesaid,) and also the
 ‘ Funds made applicable thereto by the secondly herein-before
 ‘ recited Act of the Third and Fourth Year of the Reign of
 ‘ Her present Majesty, with any further Sum or Sums of
 ‘ Money not exceeding in the whole the Sum of Two hun-
 ‘ dred and fourteen thousand Pounds:’ May it therefore
 please Your Majesty that it may be enacted; and be it enacted
 by the Queen’s most Excellent Majesty, by and with the
 Advice and Consent of the Lords Spiritual and Temporal,
 and Commons, in this present Parliament assembled, and by
 the Authority of the same, That it shall and may be lawful
 for the Commissioners of Her Majesty’s Woods, Forests, Land
 Revenues, Works, and Buildings, for the Time being, and they
 are hereby authorized and empowered, to make, form, and
 complete the said new Street from the East End of *Coventry
 Street, Piccadilly*, to the West End of *Long Acre*, and also the
 new Street from the East End of *East Smithfield* to *Rosemary
 Lane*, respectively herein-before mentioned, and to carry the
 Purposes of this Act into execution in manner herein-after
 mentioned, and according to such Plans as aforesaid.

Commissioners
 of Woods em-
 powered to
 make new
 Streets.

II. And be it enacted, That for the Purposes of this Act and
 of the said first-recited Act, and of all Matters and Things
 hereby authorized to be done under the Authority of this Act
 or of any other Act, the said Commissioners of Her Ma-
 jesty’s Woods, Forests, Land Revenues, Works, and Build-
 ings, for the Time being, shall be and they are hereby con-
 stituted a Corporation by the Name and Style of “The Com-
 missioners of Her Majesty’s Woods, Forests, Land Revenues,
 Works, and Buildings,” in order to enable them to execute and
 carry into effect the several Powers and Purposes of this Act,
 and such other Powers and Purposes as aforesaid, and by
 that Name, for the Purposes of this and the aforesaid Act,
 they the said last-mentioned Commissioners shall and may
 have perpetual Succession, and use a Common Seal, to be by
 them from Time to Time altered as they shall think fit, and
 shall and may sue and be sued, implead and be impleaded, and
 take Lands and Hereditaments to them and their Successors for
 ever, for the Purposes of this Act and the said recited Act; and
 further, that the said Commissioners and their Successors, as
 such Corporation as aforesaid, shall and may execute and do all
 such Acts, Matters, and Things as by the said first-recited Act
 are authorized to be done by the said Commissioners of Her
 Majesty’s Woods, Forests, Land Revenues, Works, and Build-
 ings for the Time being; and that for the Purposes of this
 Act and of the secondly herein-before recited Act all the
 Powers, Authorities, and Provisions contained in the firstly-
 recited Act shall continue in full force and virtue.

Commissioners
 of Woods to be
 a Corporation
 for the Purposes
 of this Act.

III. And

Commissioners of Woods, &c. empowered to charge the Funds after mentioned with any Sum not exceeding 214,000*l.*

III. And be it enacted, That for providing a Fund for the Purposes of this Act it shall and may be lawful for the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, from Time to Time, with the Consent and Approbation of the Lord High Treasurer, or of the Commissioners for executing the Office of Lord High Treasurer of the said United Kingdom, or any Three or more of them, from Time to Time, or at any one Time, to charge the Funds herein-after mentioned, and made subject as herein-after mentioned, with the Payment of any Sum or Sums of Money not exceeding in the whole the Sum of Two hundred and fourteen thousand Pounds, together with Interest on the Sum or Sums to be charged from the Time of charging the same, at such Rate as shall be approved of by the said Lord High Treasurer or the Commissioners of Her Majesty's Treasury for the Time being, to be payable half-yearly, such Sum of Two hundred and fourteen thousand Pounds being in addition to the several Sums amounting together to the Sum of Three hundred thousand Pounds which the said Commissioners are so as aforesaid authorized to charge for the Purposes aforesaid.

Funds to be charged.

IV. And be it enacted, That the several Funds which by the said Two first-recited Acts the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings were authorized to charge as aforesaid (subject to the Sums already charged and authorized to be charged thereon), and the said Funds and Duties continued and made payable as aforesaid for the further Term of Four Years by the thirdly herein-before recited Act, as aforesaid, shall be and are the Funds to be charged by the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, for the Purposes of this Act, under the Power aforesaid, and such several Funds shall, subject as aforesaid, be applicable to the Payment of all such Monies as may be so charged thereon by the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, and the Interest thereof, until the Sum or Sums, and Interest to be charged thereon, as last aforesaid, shall be paid off and discharged.

Application of the Monies borrowed under this Act.

V. And be it enacted, That the said Funds so to be charged as aforesaid shall (subject as aforesaid) be paid and applied in satisfaction and discharge of all Monies to be charged thereon by the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, as aforesaid, and the Interest thereof, in such Manner, and from Time to Time as the same shall be received, and as the said Commissioners shall order and direct.

Treasury empowered to authorise the Exchequer Bill Commissioners to advance Monies on the Credit of the

VI. And be it enacted, That it shall and may be lawful for the Lord High Treasurer or the Commissioners of Her Majesty's Treasury for the Time being, or any Three or more of them, (if he or they shall think it expedient,) to authorize and direct the Commissioners for issuing Exchequer Bills for Public Works, acting in execution of an Act passed in the Fifty-seventh

Year

Year of the Reign of His late Majesty King *George* the Third, and of several subsequent Acts for amending and extending the same, to advance and lend to the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, on the Credit of the said Sum of Two hundred and fourteen thousand Pounds, which the said Commissioners are by this Act authorized to charge as aforesaid, any Sum or Sums of Money in Exchequer Bills, not exceeding the Sum of Two hundred and fourteen thousand Pounds, and the Repayment thereof, with Interest from the Time or respective Times of advancing the same, at such Rate as shall be approved of by the said Lord High Treasurer or the Commissioners of Her Majesty's Treasury for the Time being, shall be secured in such and the like Manner as in and by the said recited Act of the Second and Third Year of the Reign of Her present Majesty is provided with respect to the Monies thereby authorized to be advanced out of the Consolidated Fund by the Lord High Treasurer or the Commissioners of Her Majesty's Treasury, or in such other Manner as the Lord High Treasurer or the Commissioners of Her Majesty's Treasury may order or direct; and the Lord High Treasurer or the Commissioners of Her Majesty's Treasury may authorize and direct such Sum or Sums of Money to be advanced and lent to the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, by such Instalments and from Time to Time as the said Lord High Treasurer or the Commissioners of Her Majesty's Treasury may think fit, and such Sum or Sums of Money may be so lent and advanced by the said Commissioners for issuing Exchequer Bills at any Time or Times hereafter, and notwithstanding that by reason of the prior Charges there may not be at the Time or respective Times of advancing the same any Fund for the Payment of the Interest of such Sum or Sums: Provided always, that notwithstanding any of the Provisions contained in the first hereinbefore recited Act of the Third and Fourth Year of the Reign of Her present Majesty it shall and may be lawful for the Lord High Treasurer or the Commissioners of Her Majesty's Treasury to fix and determine the Rate of Interest to be paid by the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, to the Commissioners for the Issue of Exchequer Bills, on any Sum or Sums of Money which may be advanced by them to the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, under the Powers and Provisions of the said first hereinbefore recited Act of the Third and Fourth Year of the Reign of Her present Majesty, as aforesaid, and the said Commissioners for the Issue of Exchequer Bills are hereby authorized and required to advance such Sum or Sums of Money at the Rate of Interest which may be so fixed and determined as aforesaid.

Funds made chargeable by this Act.

VII. And be it enacted, That Maps or Plans describing the Lines of the said intended Streets, when signed by the Lord
[No. 9. Price 2d.]

Streets to be made according to Maps or Plans to be
High

deposited in
the Office of
Woods.

High Treasurer or the Commissioners for executing the Office of Lord High Treasurer, or any Three of them, and the Places, Buildings, Tenements, and Hereditaments on the Site of which the same Streets are proposed to be made, shall be deposited at the Office of the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings; and the Maps or Plans so deposited at the Office of the said Commissioners shall remain at the said Office, to the end that all Persons may at all seasonable Times have Liberty to inspect and peruse the same at their Will and Pleasure, paying the Sum of One Shilling for every such Inspection.

No Alteration
in Lines of
Streets to be
made without
Consent of
Treasury.

VIII. And be it enacted, That no Alteration or Change shall be made in the Lines of the said Thoroughfares or Streets, as shown in such Plans, unless the same shall be approved by the Lord High Treasurer, or the said Commissioners of Her Majesty's Treasury, for the Time being, or any Three or more of them.

Power to de-
viate.

IX. And be it enacted, That the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, in making the said new Streets, Alterations, and Improvements, shall not deviate more than Fifty Feet from the Lines described in the aforesaid Maps or Plans respectively, without the Consent and Approbation of the Person or Persons Bodies Politic, Corporate, or Collegiate, through whose Lands or Tenements such Deviation shall be made.

Commissioners
may appoint
Officers.

X. And be it enacted, That the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings shall and may and they are hereby empowered from Time to Time to appoint such and so many Clerks and other Officers and Persons as they shall deem necessary to employ in the Execution of this Act, and may from Time to Time remove such Clerks, Officers, and other Persons, or any of them, and appoint others in their Stead; and also shall and may, out of the Monies to be raised by virtue of this Act, allow to such Clerks and other Officers, and such other Person and Persons as shall be assisting in or about the Execution of this Act, such Salaries or Allowances as to them the said Commissioners shall seem meet, and as shall be approved of by the said Lord High Treasurer, or the said Commissioners of Her Majesty's Treasury, for the Time being, or any Three or more of them: Provided always, that the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings shall and may, if they shall think proper so to do, take such Security, either to themselves or Her Majesty, from any Clerk, Officer, or other Person to be appointed by virtue of this Act, for the due and faithful Execution of his Office, as they the said Commissioners shall think fit.

Proceedings
when entered
to be Evidence.

XI. And be it enacted, That all such Orders and Proceedings of the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, in the Execution of this Act, which shall be entered in a Book or Books to be kept for that Purpose, shall, when so entered and signed by the said Commissioners or any Two of them, be deemed

deemed to be Originals, and such Book or Books shall be admitted as Evidence in all Courts whatsoever.

XII. And be it enacted, That it shall be lawful for the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings to cause such Part of the said intended Streets to be laid out for Carriageways, and such Part thereof for Foot Passengers, as they shall think proper.

Commissioners may lay out Foot and Carriage Ways.

XIII. And be it enacted, That it shall be lawful for the said Commissioners to alter, divert, stop up, or enclose such Streets, Courts, Alleys, Ways, or Passages, and void Ground, or such Part and Parts thereof as shall be necessary to be altered, diverted, stopped up, or enclosed for the Purposes of this Act; and the Ground and Soil of such Streets, Courts, Alleys, Ways, Passages, and void Ground, or Parts thereof respectively, as shall be stopped up and enclosed, and the Fee Simple, and Inheritance thereof, shall be and are hereby vested in the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, and their Successors, for the Purposes of this Act.

Power to alter and stop up the Streets and Ways.

XIV. And be it enacted, That it shall be lawful for the said Commissioners and they are hereby authorized and empowered, during the making of the said Streets and Thoroughfares, to stop up or cause to be stopped up all or any Part of the Carriage or Foot Ways of Streets and other Places as shall be necessary for the Purposes of this Act, and for that Purpose to put up or cause to be put up sufficient Palisadoes, Bars, Posts, and other Erections, and to make such Orders for regulating the Passage of all Carts, Carriages, and Horses, as to them shall seem proper.

Power to stop up Ways during the Execution of this Act.

XV. And be it enacted, That it shall be lawful for the said Commissioners and they are hereby authorized and empowered to raise or lower, or cause to be raised or lowered, the Ground of any Streets or Ways which shall communicate with the said Streets to be made as aforesaid, or any Part or Parts thereof respectively, making Compensation to the Owners of Houses injured by such Alterations as shall be agreed on by and between the Parties.

Streets may be raised or lowered.

XVI. Provided always, and be it enacted, That the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings shall, out of the Monies to be raised by them under the Provisions of this Act, in a substantial and workmanlike Manner fill in or cause to be filled in all and every the Vaults, Cellars, and open Places over which it may be necessary, for the Purposes aforesaid, or any of them, to new pave (except such as may be used again as Cellars, Vaults, or Areas), with good sound hard Brick Rubbish, to be well rammed down to prevent the Ground from giving way; and shall and will effectually pave over, either with Stone, Wood, or other Material, or macadamize, all the said Ground, and the said Streets or Ways, with a sufficient Quantity of Materials, of proper Qualities and Dimensions; and shall in like Manner erect and build any Arch or Arches which they may

Directing how the Pavements shall be laid and made.

think necessary, and also relay, pave, or macadamize and repair all and every Part of the Streets, Ways, and Passages which they shall disturb or alter in carrying the Purposes of this Act into execution: Provided nevertheless, that nothing herein contained shall extend or be construed to extend to charge the said Monies to be applied for the Purposes of this Act with repairing or making good such Pavement or Arches in future, but that from and after the same shall be so paved, relaid, and repaired as aforesaid the same shall for ever thereafter be kept in repair by and at the Expence of the respective Parishes to which the same shall respectively belong, or of the Commissioners liable to repair the Streets or Thoroughfares in the Places in which the same shall be; and that the Right and Property of all Pavements, Arches, Stones, Wood, and Bricks, so to be laid as aforesaid, shall belong to and be the Property of the said respective Parishes or Commissioners, or other Persons or Bodies, in the same Manner as Things of a like Description in other Parts of the said Parishes respectively are now or may be vested by Law.

Sewers or
Drains to be
arched over or
filled up.

XVII. And be it enacted, That it shall be lawful for the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, and they are hereby authorized and empowered, out of the Monies to be raised by them under the Powers and Provisions of this Act, to cause to be arched over or filled up all such Sewers and Drains, or Part or Parts thereof, which shall lie and be in or near the said Streets or Ways to be made, altered, diverted, or stopped up or enclosed as aforesaid respectively, as shall appear necessary for completing the Purposes of this Act, so that no public Sewer or Drain whatsoever, or any private Drain, shall be in anywise disturbed, injured, or prejudiced, without another Sewer or Drain being made in lieu thereof equally serviceable and convenient to the Individual or Neighbourhood: Provided always, that at the Time of filling up any Sewer or Drain, or Part thereof, as aforesaid, the said Commissioners shall cause to be made and built other good and sufficient Sewers and Drains, to be approved by the Commissioners of Sewers, of the same or greater Size or Capacity, and upon the same or lower Levels than the Sewers or Drains which shall be filled up; and when made and completed the said respective Sewers and Drains shall be under the Jurisdiction, Care, Management, and Direction of the Commissioners of Sewers of the District in which the same shall be: Provided also, that in case the said Commissioners of Sewers shall require any Sewer or Drain, or Part or Parts of any Sewer or Drain, that may be destroyed or altered, under the Authority of this Act, to be rebuilt or re-made of larger Capacity than the ordinary Size generally used by the Commissioners of Sewers, and shall give Notice to the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings of such Desire, before such Sewer or Drain shall be begun to be rebuilt or altered, then and in every such Case such Sewer or Drain shall

shall be rebuilt or re-made of such enlarged Dimensions as the said Commissioners of Sewers may require; and such Commissioners of Sewers shall bear and pay the Difference in Expence that may be occasioned by such enlarged Capacity; and in case any Difference shall arise as to the Sum to be paid by the said Commissioners of Sewers, then it shall be referred to the Decision of Two Arbitrators, or, if they shall differ, to an Umpire, to be named by the Two Arbitrators, one of such Arbitrators to be named by the said Commissioners of Sewers, and the other by the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings.

XVIII. And be it enacted, That it shall be lawful for the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, out of the Monies to be raised by them as aforesaid, to raise, sink, or otherwise alter or cause to be altered the Position of any of the Steps, Areas, Cellars, Windows, and Water Channels, Pipes, or Spouts belonging to any House or Houses, and also the Mains and the Leaden or other Pipes which, for the Purposes of conveying Water or Gas to any House or other Place, shall be laid into or from any Main or Pipe laid down by any of the Companies or Societies who furnish the Inhabitants with Water or Gas, in such Manner as shall be consistent with the Acts of Parliament incorporating such Companies or Societies (if any) and to remove all other Obstructions, so as the same respectively be done with as little Detriment and Inconvenience to the said Companies, Societies, and Inhabitants as the Circumstances of the Case will admit.

Power to alter
Steps, Areas,
Pipes, &c.

XIX. And be it enacted, That when the said Streets shall be made in pursuance of this Act, all the Ground, Land, and Hereditaments which shall be laid open into the said Streets, and paved as aforesaid, shall form Part of the said Streets, and shall be used by the Public accordingly; and the same, and the sole Power and Authority of paving, repairing, cleansing, lighting, and watching thereof, and of rating the Lands, Tenements, and Hereditaments situate and being within the same, shall be under the Care, Management, Control, and Jurisdiction of the same Parishes or Places, or Commissioners, as possess such Power and Authority in respect of the Sites of such Streets, or any Part thereof, at the Time of the passing of this Act, or as the other Streets and Ways in the Parishes or Places in which the same respectively shall be situate.

Ground laid
into the Streets
to form Part
thereof.

XX. And be it enacted, That for the Purposes of making the said Carriageways and Footways, and of providing the Sites necessary for the Houses and Buildings to form the said Streets, and generally for the Purposes of this Act, it shall be lawful for the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, and they are hereby authorized and empowered, to take and use, or cause to be taken and used, any Tenements or Hereditaments, and pull down and remove, or cause to be pulled down and removed, any Houses or Buildings which it may be deemed necessary and

Power to take
Houses and
Land.

expedient to take, use, or pull down and remove for the Purposes of this Act, at any Time at the Expiration of Six Calendar Months after Notice in Writing from the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, or their Agent duly authorized, of the Intention to take or use the same, shall either be given to the principal Officer of the Body Politic, Corporate, or Collegiate, or to the Person or Persons who shall be the Owners and Occupiers of such Tenements or Hereditaments, or in case he, she, or they cannot be found or ascertained, left at the usual or last Place or Places of his, her, or their Abode, or with the Tenant or Tenants, Occupier or Occupiers of the same Tenements or Hereditaments, or shall be fixed upon the same Premises; and for the Purposes of this Act the Owner shall be any Person hereby capacitated to sell.

No House, &c. to be taken without Consent, unless mentioned in Schedule.

XXI. Provided always, and be it enacted, That no Houses or Buildings, Garden or Yard belonging to a House, shall be taken or made use of for the Purposes of this Act, except such as are mentioned in the Schedule hereunto annexed, or as are situated within the Limits of the Deviation herein-before authorized, without the Consent in Writing of the Owner or Owners thereof being first had and obtained for that Purpose.

Premises may be taken notwithstanding Errors in the Schedule.

XXII. And be it enacted, That it shall be lawful for the said Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, to purchase, take down, and use for the Purposes of this Act any of the Houses, Buildings, and other Hereditaments described in the said Plan or Plans to be deposited in the Office of the said Commissioners as aforesaid, as intended to be taken for the Purposes of this Act, although the same Houses, Buildings, and other Hereditaments, or the Name or Names of the Owner or Owners, Occupier or Occupiers thereof, may happen to be erroneously stated or omitted in the Schedule hereunto annexed, in case it shall appear to any Two or more of the Justices of the Peace for the County of *Middlesex*, and be certified under their Hands, that such Error or Omission proceeded from Mistake or erroneous Information.

Power to Commissioners, their Surveyors, &c. to enter upon Houses, &c. for surveying or valuing.

XXIII. And be it enacted, That it shall be lawful for the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, and for the Surveyor or Surveyors, Officers, and Workmen, from Time to Time, at all reasonable Times in the Daytime, upon giving Notice in Writing, for the first Time Twenty-four Hours, and afterwards from Time to Time Twelve Hours previous Notice, to enter into and upon all or any of the said Tenements and Hereditaments authorized to be taken and used as aforesaid, or any of them, for the Purpose of surveying or valuing the said Premises, without being deemed a Trespasser or Trespassers, and without being subject or liable to any Fine, Penalty, or Punishment on account of entering or continuing upon any Part or Parts of the said Tenements and Hereditaments, for the Damages that shall be thereby occasioned.

XXIV. And

XXIV. And be it enacted, That it shall be lawful for the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, and they are hereby empowered, to treat and agree for the Purchase of any Tenements and Hereditaments which they may deem necessary for the Purposes of this Act to be taken and used by them, and of any subsisting Leases, Terms, Shares, Estates, and Interests therein, and Charges thereon, or such of them, or such Part or Parts thereof respectively, as the said Commissioners shall think proper, and to enter into any Contract or Contracts which they may think fit.

Commissioners empowered to treat for the Purchase of Houses, &c.

XXV. And be it enacted, That the Messuages and other Hereditaments which shall be purchased in pursuance of this Act shall be conveyed to the said Commissioners and their Successors, or to such Persons as the said Commissioners for the Time being shall direct, in Trust for the Purposes of this Act, and to be conveyed, leased, or otherwise disposed of as the said Commissioners under the Powers herein contained shall direct, and that until the same shall be sold and disposed of the Rents and Profits thereof shall be received and applied by the said Commissioners for the Purposes of this Act, or any of them.

Houses to be purchased to be conveyed to Commissioners of Woods, &c.

XXVI. And be it enacted, That if the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings shall not within the Space of Five Years, to be computed from the passing of this Act, purchase or take the Tenements and Hereditaments or Parts thereof respectively which they are empowered by this Act to take, use, and purchase as aforesaid, then and from thenceforth the Powers hereby granted to them for such Purchase shall cease, determine, and be utterly void.

Limitation of Power of purchasing Houses, &c.

XXVII. And be it enacted, That it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Ecclesiastical or Lay, Aggregate or Sole, and for all Trustees and Feoffees in Trust for charitable and other Purposes, and all Executors and Administrators, not only for and on behalf of themselves, their Successors, Heirs, Executors, and Administrators respectively, but also for and on behalf of their respective Cestuique Trusts, whether Infants, Females Covert, Idiots, Lunatics, or Persons not born or not ascertained, or any other Person or Persons whomsoever, and to and for all Tenants for Life, or for Years, absolute or determinable on any Life or Lives, and all Persons having any other partial or qualified Estate or Interest, not only for and on behalf of themselves, their Heirs, Executors, Administrators, and Issue, but also for and on behalf of the Person or Persons entitled in Remainder, Reversion, Expectancy, or Contingency, or for any other future Estate or Interest, where such Person, or any of such Persons, whether entitled to the next or any subsequent Estate or Interest, or any Part thereof, shall not be ascertained, or shall be incapable of contracting for, selling, or conveying the same, and to and for all Guardians on behalf of their respective Wards, Husbands on behalf of

Bodies Politic and Trustees and other Persons empowered to sell and convey.

their respective Wives, Committees on behalf of the Persons of whose Estates they shall be Committees, and the Heirs, Executors, and Administrators, and Issue of such Wards, Wives, or Persons respectively, and to and for all Femes Covert entitled in their own Right to any such Tenements or Hereditaments, or to Dower or other Interest therein, on behalf not only of themselves, but also of their respective Heirs, Executors, Administrators, and Issue, and also where such Wards, Wives, Persons, or Femes Covert respectively shall be Tenants for Life or in Tail, or for Years, or have any other partial or qualified Estate or Interest, to and for such Guardians, Husbands, Committees, and Femes Covert, on behalf of the Person or Persons on behalf of whom such Wards, Wives, Persons, or Femes Covert respectively, if of full Age, unmarried, and of sound Mind, might have contracted for, sold, and conveyed the same Tenements or Hereditaments, and to and for all and every other Person or Persons whomsoever who are or shall be seised or possessed of or interested in any Tenements or Hereditaments which by the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings shall be thought necessary for any of the Purposes of this Act, to contract for, sell, and convey the same, and every or any Part thereof, to the said Commissioners and their Successors, or to such Person or Persons as the said Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings shall direct for the Purposes of this Act; and all Contracts, Agreements, Bargains, Sales, Conveyances, and Assurances, Acts and Deeds, which shall be made by such Bodies Politic, Corporate, or Collegiate, Trustee or Trustees, or other Person or Persons as aforesaid, shall be valid and effectual in the Law, and all Bodies Politic, Corporate, or Collegiate, and all Persons whomsoever, contracting or conveying as aforesaid, are hereby indemnified for or in respect of any such Sale which they, he, she, or any of them shall respectively make by virtue or in pursuance of this Act.

Satisfaction
for the Value
of Premises
taken may be
accepted.

XXVIII. And be it enacted, That all and every Body and Bodies Politic, Corporate, or Collegiate, Trustee or Trustees, and other Person and Persons, herein-before capacitated to contract for, sell, and convey any such Tenements or Hereditaments as aforesaid, and any other Owner or Owners of any such Tenements or Hereditaments, or any Share or Shares, Estate or Estates, Interest or Interests therein, or Charge or Charges thereon, may accept and receive such Satisfaction and Recompence for the Value thereof; and such Body or Bodies, Trustee or Trustees, Person or Persons, Owner or Owners, and also any Tenant or Tenants, or other Occupier or Occupiers of any such Premises, entitled to any Compensation for Tenants Fixtures, and for any other Injury or Damage as shall be sustained on account of the Execution of this Act, or in anywise relating thereto, may accept and receive such Sum of Money in respect thereof as shall be agreed upon between them

them respectively and the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings; and in case the said Commissioners, and the said Parties interested in such Tenements or Hereditaments or Fixtures, or sustaining any Injury or Damage, cannot or do not agree as to the Amount or Value of such Satisfaction, Recompence, or Compensation, the same respectively shall be ascertained and settled by a Jury in manner herein-after directed.

If Parties cannot agree the Amount to be settled by a Jury.

XXIX. And be it enacted, That on or before the Expiration of One Calendar Month next after Notice in Writing from the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, or their Agent duly authorized, of the Intention to take or use any Tenement or Hereditament, or any Part thereof, for the Purposes of this Act, shall have been given, left, or affixed as herein-before is mentioned, all and every Body and Bodies Politic, Corporate, and Collegiate, Trustee and Trustees, and other Person and Persons, seised, possessed of, or interested in, or authorized by this Act to accept and receive Satisfaction or Recompence for the Value of the same, or any Estate, Share, or Interest therein or Charge thereon, having or claiming to be entitled to any Compensation for any Goodwill or Improvements, or for Fixtures, or for any Injury or Damage sustained on account of the Execution of this Act, shall deliver or cause to be delivered to the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, by leaving the same at their Office, a Statement in Writing of the Particulars of the Estate, Share, Interest, or Charge which he, she, or they claim to be entitled to, or to be authorized to receive in Satisfaction or Recompence for, and of the Goodwill and Improvements which may be lost, and of the Fixtures, and of the Injury or Damage sustained by him, her, or them, and of the Amount of the Sum or Sums of Money which he, she, or they may expect and be willing to receive in Satisfaction or Discharge for the Value of such Estate, Share, Interest, or Charge, and also the Amount of the Sum or Sums of Money which he, she, or they may expect and be willing to receive as Compensation for such Goodwill and Improvements, and Fixtures, and for such Injury or Damage respectively.

Parties to deliver a Statement of their Estates and Claims within One Calendar Month after Notice.

XXX. And be it enacted, That if any Owners or Proprietors, Bodies Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Trustees, Femes Covert, or any other Person or Persons seised, possessed of, or interested in any Houses, Buildings, Ground, Tenements, or Hereditaments, or in any Share or Shares, Estate or Estates, Interest or Interests therein, or Charge or Charges thereon, which the said Commissioners are hereby empowered to purchase, take, and use for the Purposes aforesaid, shall neglect or refuse to treat, or shall not agree in the Premises, or by reason of Absence or Disability shall be prevented from treating, with the said Commissioners, or with the Person or Persons authorized by them, for the Sale and Disposal

If Parties refuse to treat, or shall not agree, a Jury to be summoned in manner herein mentioned.

posal

posals of their respective Estates and Interests therein, or cannot be found or known, or shall not produce and evince a clear Title to the Premises they may be in the Possession of, or to the Interest they shall claim therein, to the Satisfaction of the said Commissioners, then and in every or any such Case the High Bailiff of the City and Liberty of *Westminster* or his Deputy as regards any Hereditaments which may be situate within the Liberty of *Westminster*, and the Sheriff of *Middlesex* or his Under Sheriff as regards any other Hereditaments, or in case such Sheriff or Under Sheriff, High Bailiff or his Deputy, shall be anywise interested in the Matter in question, then some One of the Coroners of the County of *Middlesex* not interested therein, shall, upon the Warrant of the said Commissioners, in manner herein-after mentioned, and he or they is and are hereby required and authorized to cause it to be inquired into and ascertained upon the Oaths of a Jury of Twelve indifferent Men of the said City of *Westminster* as regards Hereditaments within the said Liberty of *Westminster*, and of the said County of *Middlesex* as regards any other Hereditaments, which Oaths the said Sheriff, Under Sheriff, High Bailiff or his Deputy, or Coroner, is and are hereby empowered and required to administer, what Damages will be sustained by and what Recompence and Satisfaction will be made to, such Owners, Occupiers, or other Person or Persons interested, for the Value of such Houses, Buildings, Grounds, Tenements, or Hereditaments, and of the proportionable Value of the respective Estates and Interests of every Person or Persons seised or possessed thereof, or interested therein, or of or in any Part thereof, and assess or award the Sum or Sums of Money to be paid to such Person or Persons, Party or Parties respectively, for the Purchase of such Houses, Buildings, Ground, Tenements, or Hereditaments, and of such respective Estates and Interests therein, and also for Goodwill, Improvements, or any Injury or Damage whatsoever that may affect any such Person or Persons, Party or Parties, provided such Goodwill shall be estimated by what in the Opinion of such Jury the same would have been worth in case the Alterations or Improvements intended by this Act had not been in contemplation, and also for and on account of the taking of such Houses, Buildings, Grounds, Tenements, or Hereditaments for the Purposes or under and by virtue of the Authority of this Act, and the said Jury in estimating such Recompence and Satisfaction shall take into their Consideration the Increase in Value of the Residue of any Property of which such Tenements or Hereditaments shall form Part; and in order thereto the said Sheriff, High Bailiff, Deputy, or Coroner is and are hereby empowered and required, from Time to Time, as Occasion shall require, to summon and call before the said Jury, and examine upon Oath, all and every Person or Persons whomsoever who shall be thought necessary and proper to be examined as a Witness or Witnesses touching or concerning the Premises (which Oath the said Sheriff, Under Sheriff, High Bailiff, Deputy, or Coroner

ner is and are hereby empowered to administer); and such Sheriff, Under Sheriff, High Bailiff, Deputy, or Coroner respectively shall order and cause the said Jury to view the Places in question, if there be Occasion, and use all other lawful Ways and Means, as well for his and thier own as for the said Jury's better Information in the Premises, as the said Sheriff, Under Sheriff, High Bailiff, Deputy, or Coroner shall think fit; and after the said Jury shall have inquired of and ascertained and settled such Damage, Recompence, and Satisfaction, the said Sheriff, Under Sheriff, High Bailiff, Deputy, or Coroner shall thereupon order the Sum or Sums of Money so assessed by the said Jury to be paid by the said Commissioners to the said Owners or Occupiers of or other Persons interested therein, according to such Verdict or Inquisition of the said Jury; which said Verdict or Inquisition and Order, so had and made, shall be final, binding, and conclusive, to all Intents and Purposes, upon and against all Bodies Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporations Aggregate or Sole, as well as all other Parties and Persons whomsoever; and for the summoning and returning of such Jury or Juries the said Commissioners are hereby empowered to issue their Warrant or Warrants to the said Sheriff, Under Sheriff, High Bailiff, Deputy, or Coroner, to summon, impanel, and return, at some convenient Place in the said County of *Middlesex* or City of *Westminster*, as the Case may be, a Jury of not less than Thirty-six or more than Forty-eight honest and indifferent Men qualified according to Law to be returned for Trials of Issue in Her Majesty's Courts of Record at *Westminster*, to appear before the said Sheriff, Under Sheriff, High Bailiff, Deputy, or Coroner, at such Time and Place as in such Warrant shall be appointed; and Fourteen Days Notice at the least, in Writing under the Hands of the said Commissioners, of the Time and Place at which such Jury are so required to be returned, shall be given to such Owners, Proprietors, Occupiers, Corporations, Trustees, or any other Person or Persons interested in the Premises, before the Time of Meeting of the said Jury, by leaving such Notice at the Dwelling House of such Person or Persons, or of the Head Officer of such Body or Bodies Politic, Corporate, or Collegiate, or with some Tenant or Occupier of the Premises respectively intended to be valued; and the said Sheriff, Under Sheriff, High Bailiff, Deputy, or Coroner is and are hereby empowered to impanel, summon, and return such Number accordingly, and out of the Persons so impanelled, summoned, and returned, or out of such of them as shall appear upon such Summons, the said Sheriff, Under Sheriff, High Bailiff, Deputy, or Coroner shall swear or cause to be sworn Twelve, who shall be the Jury for the Purposes aforesaid; and in default of a sufficient Number of Jurymen the said Sheriff, Under Sheriff, High Bailiff, Deputy, or Coroner shall return other honest and indifferent Men of the Standers-by, or that can be speedily procured to attend that Service (being qualified as last aforesaid), to the Number of
Twelve;

Twelve; and it shall be lawful for all Persons concerned, by themselves, their Counsel, Solicitors, and Agents, to attend and be heard, and to adduce Evidence, before the Sheriff, Under Sheriff, High Bailiff, Deputy, or Coroner respectively; and such Persons shall also have their lawful Challenges against any of the said Jurymen when they come to be sworn, but shall not challenge the Array.

Where Part of an Estate is taken, the Remainder to be valued.

XXXI. And be it enacted, That if the Owner, Lessee, or Occupier of any Tenements or Hereditaments authorized to be taken by virtue of this Act shall not be inclined to sell or part with the whole thereof, or of his or her Interest in the whole thereof, and it shall not be found necessary to take the whole for the Purposes of this Act, and the said Parties cannot agree as to the Sum of Money to be paid for the Part which the said Commissioners, or any Person or Persons authorized by them, shall not think it necessary to purchase, then and in such Case the Jury which shall be summoned to value the Premises shall assess the Value of the whole Premises according to the Condition in which they are at the Time of taking the View, and also the Value of that Part of the Premises which will remain after the said Commissioners, or the Person or Persons authorized by them, have taken away so much as they shall think necessary for the Purposes of this Act; and in such last Valuation the said Jury shall take into their Consideration the Improvement or Depreciation which the Remainder of the Premises is likely to receive or sustain from the Alteration intended to be made; and the Jury having made these Two Valuations, the Difference between them shall be the Price to be paid by the said Commissioners for that Part which they shall have Occasion for, and such Price shall be recorded as the Verdict of the Jury for the Value of the same.

Notice to be given of Compensation claimed.

XXXII. And be it enacted, That no Jury to be summoned by virtue of this Act shall be allowed to assess or award any Sum or Sums of Money to any Body or Bodies Politic, Corporate, or Collegiate, Person or Persons, by way of Compensation for Goodwill or Improvements alleged to have been lost, or Tenants Fixtures, or any Injury or Damage alleged to have been sustained by him or them, by reason or means of this Act, or any thing which shall or may be done in the Execution hereof, unless such a Statement as herein-before is mentioned of the Particulars of every such Claim, and how and in what Manner the Amount thereof is made out and computed, shall have been given to the said Commissioners, or left at their Office as aforesaid, by and on behalf of such Person or Persons, Ten Days at least before the Time of the Meeting of such Jury.

Penalty on Sheriff, High Bailiff, Jury, and Witnesses, for Neglect of Duty.

XXXIII. And be it enacted, That if the Sheriff, Under Sheriff, High Bailiff, Deputy, or Coroner so directed to summon and return a Jury as aforesaid, shall make default in the Premises, he shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds to the Party who shall be prejudiced or injured thereby, to be recovered, with full Costs of Suit,

Suit, by Action of Debt or on the Case in any of Her Majesty's Courts of Record at *Westminster*; and if any Person so summoned and returned as aforesaid upon such Jury shall not appear, or appearing shall refuse to be sworn or to give his Verdict, or shall in any other Manner wilfully neglect his Duty, contrary to the true Intent and Meaning of this Act, or if any Person so summoned as a Witness shall not appear, or appearing refuse to be examined or to give Evidence, any Person so offending, having no reasonable Excuse, to be allowed by the Justices herein-after mentioned, shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds; which several and respective Penalties shall and may be levied by virtue of any Warrant under the Hand and Seal of One of Her Majesty's Justices of the Peace for the County of *Middlesex* or City of *Westminster*, as the Case may be, by Distress and Sale of the Goods and Chattels of the Person so offending, the Person making such Distress and Sale rendering to him or her the Overplus of the Money thereby produced, if any, after such Penalty, and the Charges of such Distress and Sale, shall be deducted; and all such Fines shall be paid to the said Commissioners, to be applied for the Purposes of this Act.

XXXIV. And be it enacted, That in all Cases in which a Verdict shall be given for the Value of any Tenements or Hereditaments, or Share or Shares therein, the Jury shall, if required so to do by or on behalf of the said Commissioners, inquire of, assess, and ascertain the Value of the Fee Simple of the Entirety of the said Premises, and shall afterwards apportion and divide the Value so ascertained between and among all the different Shares and Charges which shall be claimed, and also between different Parts of the said Tenements or Hereditaments alleged to be held under different Titles: Provided always, that the Verdict of any Jury shall not defeat or prejudice any Contract or Sale which shall have been previously made of any Share or Charge, although the Value of the same may be ascertained to be different from the Amount of the Price, Recompence, or Satisfaction agreed to be paid for the same.

Jury may assess Value of Fee Simple and then apportion the Values of respective Interests therein.

XXXV. And be it enacted, That the Jury and Juries so to be summoned as aforesaid shall award all Determinations, Judgments, and Verdicts which they shall make and give in execution of the Powers hereby vested in them concerning the Value of the Tenements or Hereditaments, or of any Share or Shares, Estate or Estates, Interest or Interests therein, or any Charge or Charges thereon, separately and distinctly from the Consideration of any Loss of Goodwill to which the Occupier may personally be entitled, or any other Loss or Damage to be sustained by any Person or Persons in consequence of the Execution of any of the Powers of this Act, and shall distinguish the Value set upon the Hereditaments, or Share or Shares, Estate or Estates, Interest or Interests therein, Charge or Charges thereon, and the Money assessed or adjudged for such

Verdict of Value of Lands and Damages to be ascertained separately.

such Goodwill, Loss, or Damage as aforesaid, separately and apart from each other; and when any Money shall be assessed or adjudged for such Goodwill, Loss, or Damage as aforesaid, the Jury shall, if required by the said Commissioners, award and declare whether the Statement delivered by the Claimant or Claimants, of the Manner in which any Amount of the Money which shall have been demanded as a Compensation for the same has been computed and made up, gave sufficient Particulars to enable the said Commissioners to make a proper Offer.

Providing for
Expences of
Jury.

XXXVI. And be it enacted, That in case any Jury to be summoned and sworn pursuant to the Authority of this Act shall give in a Verdict or Assessment for more Money as a Recompence, Compensation, or Satisfaction for the Rights, Interests, or Property of the Person or Persons in any such Houses, Buildings, Grounds, Tenements, or Hereditaments, or for any such Goodwill, Improvements, Injury, or Damage as aforesaid, than shall have been agreed to be given and offered for the same in the aggregate by the said Commissioners before the summoning and returning of such Jury, or where, by reason of Absence in Foreign Countries, or other Incapacity or Disability as aforesaid, there shall not be found any Person or Persons legally capacitated to enter into any Contract with the said Commissioners, then and in every such Case all the reasonable Costs, Charges, and Expences of causing and procuring such Recompence, Compensation, or Satisfaction to be assessed by a Jury shall be settled by the Sheriff, Under Sheriff, High Bailiff, Deputy, or Coroner before whom such Claim shall have been tried, and shall be paid by the said Commissioners; but in every Case in which any Jury so summoned and sworn as aforesaid shall be of opinion that the Statement delivered by the Claimant or Claimants, of the Manner in which any Amount of Money which shall have been demanded as a Compensation has been computed and made up, did not give sufficient Particulars to enable the said Commissioners to make a proper Offer, and in every other Case in which any such Jury shall give in a Verdict or Assessment for no more or for less Money, as such Recompence, Compensation, or Satisfaction as aforesaid, than shall have been agreed to and offered by the said Commissioners in the aggregate for the same, before the summoning and returning of the said Jury, or in case no Damages shall be given by the Verdict where the Dispute is for Damages only, or where the causing or procuring such Jury to be summoned shall have arisen from a Refusal to treat or agree with the said Commissioners by any Body or Bodies Politic, Corporate, or Collegiate, or by any Person or Persons whomsoever, who is or are by the Provisions of this Act or otherwise legally empowered to treat, then (except where by reason of Absence such Person shall be prevented from treating with the said Commissioners) all such Costs, Charges, and Expences, to be settled by such Sheriff, Under Sheriff, High Bailiff, Deputy, or Coroner, in manner aforesaid, shall

shall be paid to the said Commissioners by the said Body or Bodies Corporate or Collegiate, or other Person or Persons, so claiming such Compensation, or refusing to treat and agree, as before mentioned respectively (save only and except where by reason of Absence or other like Cause any Person shall have been prevented from treating or agreeing as aforesaid, in which Case no Costs, Charges, or Expences shall be allowed to either Party as against the other); and all Costs, Charges, and Expences hereby directed to be paid to the said Commissioners shall and may be deducted and retained by them out of the Money so adjudged or assessed to be paid by them as so much Money advanced to and for the Use of the Person and Persons entitled to such Money so adjudged, and Payment or Tender of the Remainder of such Money shall be deemed and taken to be a Payment or Tender of the whole Sum or Sums so adjudged or assessed; or in case no Money, or no sufficient Sum of Money, shall be awarded or assessed to be paid by the said Commissioners whereout such Costs, Charges, and Expences can be deducted, then the same shall and may be recovered by virtue of any Warrant under the Hand and Seal of One of Her Majesty's Justices of the Peace for the County of *Middlesex* or City of *Westminster*, as the Case may be, by Distress and Sale of the Goods and Chattels of the Person or Persons liable to the Payment of the same, the Party making such Distress and Sale rendering to such Person or Persons as aforesaid the Overplus of the Money thereby produced (if any), after such Costs, Charges, and Expences, and the Charges of such Distress and Sale, shall be deducted.

XXXVII. And be it enacted, That a Minute or Docquet of all the said Judgments and Verdicts shall be recorded in the Office of the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings; and all such Judgments and Verdicts shall be afterwards deposited with the Clerk of the Peace of the said County of *Middlesex* or the said City and Liberty of *Westminster*, as the Case may be, to be kept and preserved by him amongst the Records of the Quarter Sessions of the said County and City and Liberty, and shall be deemed to be Records to all Intents and Purposes whatsoever; and the same, or true Copies thereof, shall be allowed to be good Evidence in all Courts whatsoever; and all Persons shall have Liberty to inspect the same, paying for such Inspection the Sum of One Shilling, and to take Copies thereof, paying for every Copy the Sum of Sixpence for every Seventy-two Words, and so in proportion for any less Number of Words.

XXXVIII. And be it enacted, That if in any Case the Owner or Owners of any House or Building, or of any Yard or Curtilage occupied therewith, Part only of which Premises shall at any Time be required by the said Commissioners to be applied for the Purposes aforesaid, shall be unwilling to sell or dispose of such Part only of such House, Building, Yard, or Curtilage as shall be required by the said Commissioners, it shall and may be lawful for the said Commissioners, and they

Verdicts to be recorded.

Commissioners empowered to purchase the whole of the Premises if the Owners are unwilling to sell a Part.

they are hereby required, at the Option of any Owner or Owners of any such House, Building, Yard, or Curtilage, to purchase of and from the said Owner or Owners the whole, or such Part thereof over and above such Part thereof as may be wanted for the Purposes of this Act as such Owner or Owners shall think fit, and to apply so much and such Part thereof as they the said Commissioners, with such Consent and Approbation as aforesaid, shall see fit, for the Purposes aforesaid; and that if such Owner or Owners shall not or cannot agree with the said Commissioners for the Price to be paid for the Purchase of the whole or such Part thereof as aforesaid of such House, Building, Yard, or Curtilage, then the Value thereof shall be settled and ascertained by a Jury in such Manner as the Price for any Premises to be taken in pursuance of this Act is directed to be settled and ascertained; and all such other Proceedings shall take place respecting the said Premises as are herein-before mentioned and directed with respect to the Premises the Value of which shall be ascertained by a Jury in the Manner aforesaid.

Persons holding under Leases to produce the same.

XXXIX. And be it enacted, That in all Cases in which any Person or Persons shall claim any Satisfaction or Compensation for or in respect of any unexpired Term or Interest which he, she, or they shall claim to be possessed or entitled unto in any Tenements or Hereditaments intended to be taken or used under the Authority of this Act, under or by virtue of any Demise or Lease, or Agreement for Demise or Lease, or Grant thereof, the said Commissioners are hereby authorized to require such Person or Persons to produce or show the Demise or Lease, or Agreement for Demise or Lease, or Grant, in respect of which such Claim to Satisfaction or Compensation shall be made, or the best Evidence thereof in his, her, or their Power; and if such Demise or Lease, or Agreement for Demise or Lease, or Grant, or such best Evidence thereof as aforesaid, shall not be produced or shown within Twenty-one Days after Demand made by the said Commissioners, or any Person by them authorized, the Person or Persons claiming such Satisfaction or Compensation shall be considered and treated as holding only from Year to Year.

For settling Disputes as to Damages to a small Amount.

XL. And be it enacted, That in case any Difference shall arise between the said Commissioners, and any of the Owners or Occupiers of the Property to be taken or used for the Purposes of this Act, as to the Amount or Value of the Damages done by the said Commissioners, their Agents or Workmen, to such Property, in the Execution of any of the Powers of this Act, and such Difference cannot be adjusted and settled between the Parties, the same shall, in case the Amount of Damages claimed does not exceed the Sum of Fifty Pounds, be ascertained and determined by some Two or more Justices of the Peace for the City of *Westminster*, if the Property is situate in that City, and for the County of *Middlesex*, if the Property is out of the City, who, upon Application made to them by both or either of the said Parties, shall examine into

the Matter in dispute, and shall determine and settle the Amount of Compensation which shall be payable by the said Commissioners ; and such Magistrates may examine Witnesses and administer Oaths in all respects, and with the same Consequences as to false swearing, as if the same were a judicial Matter brought before them on which they were by Law entitled to adjudicate.

XLI. Provided always, and be it enacted, That all Sums of Money, or other Consideration, Recompence, or Satisfaction to be made or paid pursuant to any such Agreement or Verdict as aforesaid, shall be paid or tendered to the Party or Parties entitled to the same, or into the Bank of *England*, as herein mentioned, before the said Commissioners, or any Person or Persons authorized by them, shall proceed to take possession or pull down any House or Houses, or other Erections or Buildings comprised in or affected by such Agreement or Verdict respectively, or to use the Ground for any of the Purposes of this Act.

Commissioners not to take possession until the Purchase Money is tendered or paid.

XLII. And be it enacted, That if any Body or Bodies, Person or Persons, seised or possessed of or interested in any such Tenements or Hereditaments, or Share or Shares, Estate or Estates, Interest or Interests therein, or Charge or Charges thereon, as aforesaid, cannot be found, or shall not be known or ascertained, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Commissioners, or shall refuse to execute a Conveyance or Conveyances thereof, then and in any of such Cases, upon Payment of such Sum or Sums of Money as shall have been contracted and agreed or shall have been assessed and awarded by any Referee or Referees, or by any Jury or Juries in manner aforesaid, to be paid for the Purchase of or for the Value of the same Premises into the Bank of *England*, as herein-after directed and required (in case the same shall be requisite), for the Use of such Person or Persons so interested in or entitled as aforesaid, such Tenements or Hereditaments, or Parts, Shares, Estates, Interests, or Charges, and the Fee Simple and Inheritance thereof, together with the yearly Profits thereof, and all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand, in Law and Equity, of the Body or Bodies, Person or Persons, or unknown Person or Persons, to whose Credit such Money shall be paid, in, to, and out of the Tenements, Hereditaments, and Premises to be purchased as aforesaid, shall from thenceforth vest in the said Commissioners and their Successors, who shall be deemed in Law to be in the actual Seisin and Possession thereof to all Intents and Purposes, freed and discharged from all former and other Estates, Rights, Titles, and Interests, Claims and Demands, as fully and effectually as if every Body or Person having any Estate in the Premises had actually conveyed the same by Lease and Release, Bargain and Sale enrolled, and with the Assent of any Protector of the Settlement whose Assent might be necessary, or Feoffment with Livery of Seisin, or any other Conveyance or Assurance whatsoever ; and such Payment shall not only bar all Right, Title,

Commissioners empowered to take possession on Payment of Purchase Money into the Bank of *England*.

Interest, Claim, and Demand of the Body or Bodies, Person or Persons, or unknown Person or Persons, of, in, and to the same Premises to whose Credit such Payment or Tender shall have been made, but also shall extend to and be deemed and construed to bar the Dower and Dowery of the Wife and Wives of such Person or Persons, and all Estates Tail and other Estates in Possession, Reversion, Remainder, Expectancy, or Contingency, and the Issue and Issues of such Person or Persons, and every other Person whomsoever; and the same Premises shall and may thereupon be pulled down, made use of, and employed for the Purposes aforesaid, according to the Direction of the said Commissioners, and under the Regulations in this Act mentioned and contained.

Application
of Purchase
Money when
amounting to
200l.

1 G. 4. c. 35.

XLIII. And be it enacted, That if any Money shall be agreed or assessed to be paid for any Houses, Buildings, Grounds, Tenements, or Hereditaments, or Part or Parts thereof, or Share or Shares, Estate or Estates, Interest or Interests therein, or Charge or Charges thereon, or for any other Right, Matter, or Interest, of what Nature or Kind soever, purchased, taken, or used by virtue of this Act, which shall belong to any Body Politic, Corporate, or Collegiate, Feme Covert, Infant, Lunatic, or other Person or Persons under any Disability or Incapacity, or not legally entitled absolutely to dispose of the Premises by the Sale of which such Money shall be produced, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed to his Account there *ex parte* the said Commissioners pursuant to the Method prescribed by an Act passed in the First Year of the Reign of His late Majesty King *George the Fourth*, intituled *An Act for the better securing the Monies and Effects paid into the Court of Exchequer at Westminster on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes*, and the General Orders of the said Court, and without Fee or Reward; to the Intent that such Money shall applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon Petition to be preferred in a summary Way by the Body or Bodies, Person or Persons, who would have been entitled to the Rents and Profits of the said Houses, Buildings, Ground, Tenements, or Hereditaments, in the Purchase or Redemption of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrances, or Part thereof, as the said Court shall authorize to be paid, affecting the same Houses, Buildings, Ground, Tenements, or Hereditaments, or Part or Parts thereof or Share or Shares, Estate or Estates, Interest or Interests therein, or Charge or Charges thereon, or affecting other Houses Buildings, Ground, Tenements, or Hereditaments standing settled therewith to the same or the like Uses, Trusts, Intents, or Purposes; or where such Money shall not be so applied, then the

the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Messuages, Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Hereditaments which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance or Settlement shall be existing and undetermined and capable of taking effect; and in the meantime and until such Purchase shall be made the said Money shall, by Order of the said Court, upon Application thereto, be invested by the said Accountant General, in his Name, in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime and until the Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid the Dividends of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Body or Bodies, Person or Persons, who would for the Time being have been entitled to the Rents and Profits of the Houses, Buildings, Ground, Tenements, and Hereditaments so hereby directed to be purchased in case such Purchase or Settlement were made.

XLIV. Provided also, and be it enacted, That if any Houses, Buildings, Grounds, Tenements, or Hereditaments, or Part or Parts thereof, or Share or Shares, Estate or Estates, Interest or Interests therein, or Charge or Charges thereon, purchased, taken, or used for the Purposes aforesaid, belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall amount to or exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Body or Bodies, Person or Persons, for the Time being entitled to the Rents and Profits of the Hereditaments, or Parts, Shares, Estates, Interests, or Charges, so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank of *England* in the Name and with the Privity of the said Accountant General of the Court of Exchequer, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same shall be paid, at the like Option, to Two or more Trustees, to be nominated by the Body or Bodies, Person or Persons, making such Option, and approved of by the said Commissioners, such Nomination and Approbation to be signified in Writing under the Hands and Seals of the nominating and approving Parties, in order that such Principal Money, and the Dividends arising thereon, may be applied in manner herein-before directed, so far as the Case may be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court of Exchequer.

When less than
200*l.* and
amounting to
20*l.*

Interest, Claim, and Demand of the Body or Bodies, Person or Persons, or unknown Person or Persons, of, in, and to the same Premises to whose Credit such Payment or Tender shall have been made, but also shall extend to and be deemed and construed to bar the Dower and Dowers of the Wife and Wives of such Person or Persons, and all Estates Tail and other Estates in Possession, Reversion, Remainder, Expectancy, or Contingency, and the Issue and Issues of such Person or Persons, and every other Person whomsoever; and the same Premises shall and may thereupon be pulled down, made use of, and employed for the Purposes aforesaid, according to the Direction of the said Commissioners, and under the Regulations in this Act mentioned and contained.

Application
of Purchase
Money when
amounting to
200l.

XLIII. And be it enacted, That if any Money shall be agreed or assessed to be paid for any Houses, Buildings, Grounds, Tenements, or Hereditaments, or Part or Parts thereof, or Share or Shares, Estate or Estates, Interest or Interests therein, or Charge or Charges thereon, or for any other Right, Matter, or Interest, of what Nature or Kind soever, purchased, taken, or used by virtue of this Act, which shall belong to any Body Politic, Corporate, or Collegiate, Feme Covert, Infant, Lunatic, or other Person or Persons under any Disability or Incapacity, or not legally entitled absolutely to dispose of the Premises by the Sale of which such Money shall be produced, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed to his Account there *ex parte* the said Commissioners pursuant to the Method prescribed by an Act passed in the First Year of the Reign of His late Majesty King *George the Fourth*, intituled *An Act for the better securing the Monies and Effects paid into the Court of Exchequer at Westminster on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes*, and the General Orders of the said Court, and without Fee or Reward; to the Intent that such Money shall applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon Petition to be preferred in a summary Way by the Body or Bodies, Person or Persons, who would have been entitled to the Rents and Profits of the said Houses, Buildings, Ground, Tenements, or Hereditaments, in the Purchase or Redemption of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrances, or Part thereof, as the said Court shall authorize to be paid, affecting the same Houses, Buildings, Ground, Tenements, or Hereditaments, or Part or Parts thereof or Share or Shares, Estate or Estates, Interest or Interests therein, or Charge or Charges thereon, or affecting other Houses Buildings, Ground, Tenements, or Hereditaments standing settled therewith to the same or the like Uses, Trusts, Intents, or Purposes; or where such Money shall not be so applied, then the

1 G. 4. c. 35.

the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Messuages, Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Hereditaments which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance or Settlement shall be existing and undetermined and capable of taking effect; and in the meantime and until such Purchase shall be made the said Money shall, by Order of the said Court, upon Application thereto, be invested by the said Accountant General, in his Name, in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime and until the Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid the Dividends of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Body or Bodies, Person or Persons, who would for the Time being have been entitled to the Rents and Profits of the Houses, Buildings, Ground, Tenements, and Hereditaments so hereby directed to be purchased in case such Purchase or Settlement were made.

XLIV. Provided also, and be it enacted, That if any Houses, Buildings, Grounds, Tenements, or Hereditaments, or Part or Parts thereof, or Share or Shares, Estate or Estates, Interest or Interests therein, or Charge or Charges thereon, purchased, taken, or used for the Purposes aforesaid, belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall amount to or exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Body or Bodies, Person or Persons, for the Time being entitled to the Rents and Profits of the Hereditaments, or Parts, Shares, Estates, Interests, or Charges, so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank of *England* in the Name and with the Privy of the said Accountant General of the Court of Exchequer, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same shall be paid, at the like Option, to Two or more Trustees, to be nominated by the Body or Bodies, Person or Persons, making such Option, and approved of by the said Commissioners, such Nomination and Approbation to be signified in Writing under the Hands and Seals of the nominating and approving Parties, in order that such Principal Money, and the Dividends arising thereon, may be applied in manner herein-before directed, so far as the Case may be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court of Exchequer.

When less than
200*l.* and
amounting to
20*l.*

When less than
20/.

XLV. Provided always, and be it enacted, That where such Money so agreed or assessed to be paid as herein-before mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Body or Bodies, Person or Persons, who would for the Time being have been entitled to the Rents and Profits of the Hereditaments, Parts, Shares, Estates, Interests, and Charges, so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Commissioners shall think fit; or in case of the Infancy or Lunacy of such Person or Persons, then such Money shall be paid to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

In case of not
making out
Titles.

XLVI. And be it enacted, That in case the Body or Bodies, Person or Persons, to whom any Sum or Sums of Money shall be agreed to be paid, or shall be awarded by any Referee or Referees or Umpire, or by any Jury or Juries, for the Purchase of any Tenements or Hereditaments, or any Parts, Shares, Estates, or Interests therein or Charge thereon, to be purchased, taken, or used by virtue of this Act, shall not be able to make a good Title to the Premises to the Satisfaction of the said Commissioners, or shall refuse to execute a Conveyance or Assignment thereof, or in case the Person or Persons to whom such Sum or Sums of Money shall be so agreed or awarded to be paid as aforesaid cannot be found, or if the Person or Persons entitled to such Houses, Buildings, Ground, Tenements, or Hereditaments, Parts, Shares, Estates, Interests, or Charges, be not known or discovered, then and in every such Case it shall and may be lawful for the said Commissioners to pay the said Sum or Sums of Money so awarded or agreed to be paid as aforesaid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the said Court of Exchequer, to be placed to his Account to the Credit of the Party or Parties, if known, who shall be interested in the said Tenements or Hereditaments, Parts, Shares, Estates, Interests, or Charges (describing such Tenements or Hereditaments), but if such Party or Parties shall not be known, then to the Credit of the said Commissioners, subject to the Order, Control, or Disposition of the said Court of Exchequer; which said Court, on the Application of any Body or Bodies, Person or Persons, making claim to any such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and the same is hereby empowered, in a summary Way of Proceeding, or otherwise as to the same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, or to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title, or Interest of the Body or Bodies, Person or Persons, making claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt
or

or Receipts for such Sum or Sums of Money, mentioning and specifying for what the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

XLVII. Provided always, and be it enacted, That where any Question shall arise touching the Title of any Body or Bodies, Person or Persons, to any Money to be paid into the Bank of *England* in the Name and with the Privy of the Accountant General of the Court of Exchequer, in pursuance of this Act, for the Purchase of any Houses, Buildings, Ground, Tenements, or Hereditaments, or Part or Parts thereof, or of any Estate, Right, Title, Charge, or Interest in, to, or upon any Tenements or Hereditaments to be purchased or taken in pursuance of this Act, or to any Bank Annuities to be purchased with any such Money, or to the Dividends of any such Bank Annuities, the Body or Bodies, Person or Persons, who shall have been in Possession of such Houses, Buildings, Ground, Tenements, or Hereditaments, Parts, Shares, Estates, Interests, or Charges, at the Time of such Purchase, and all Body or Bodies, Person or Persons claiming under such Body or Bodies, Person or Persons, shall be deemed and taken to have been lawfully entitled to such Houses, Buildings, Ground, Tenements, and Hereditaments, Parts, Shares, Estates, Interests, or Charges, according to such Possession, until the contrary shall be shown to the Satisfaction of the said Court of Exchequer; and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Houses, Buildings, Ground, Tenements, or Hereditaments, or Part or Parts thereof, or to some Estate or Interest therein, or Charge thereon.

Where any Question shall arise, the Person in Possession shall be deemed entitled until the contrary be shown.

XLVIII. Provided also, and be it enacted, That where, by reason of any Disability or Incapacity of the Body or Bodies, Trustee or Trustees, Corporation, or other Person or Persons entitled to any Houses, Buildings, Ground, Tenements, or Hereditaments, or Part or Parts thereof, or Share or Shares, Estate or Estates, Interest or Interests therein, or Charge or Charges thereon, to be purchased or taken under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the Bank of *England* in the Name and with the Privy of the Accountant General of the Court of Exchequer, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses, in pursuance of this Act, it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the said Court shall deem reasonable, to be paid by the said Commissioners, who shall from Time to Time pay such Sums of Money

Court of Exchequer may order Expences of Purchases to be paid by the Commissioners.

out of the Monies applicable to the Purposes of this Act as the said Court shall direct.

When the Title is defective by reason of a Rent payable out of other Estates, as well as Hereditaments required for the Purposes of this Act, the Money paid into the Bank to be laid out in the Purchase of other Estates, which shall be subject to the Rent in the same Manner.

XLIX. And be it enacted, That where the Money awarded to be paid for any Tenements or Hereditaments which shall be taken for the Purposes of this Act shall be paid into the Bank of *England* in manner herein-before directed, in consequence of a good Title not having been made to such Tenements or Hereditaments to the Satisfaction of the said Commissioners, or any Person or Persons authorized by them, by reason of the same Tenements or Hereditaments respectively being subject, together with other Hereditaments not required for the Purposes of this Act, to a Rent payable to some Body or Bodies Politic, Corporate, or Collegiate, Person or Persons, unable or unwilling to release therefrom the Tenements or Hereditaments so to be taken, then and in every or any such Case the Tenements or Hereditaments for the Value of which the Money to be paid into the Bank, together with the Money (if any) to be retained for Costs and Charges under the Authority of this Act, shall be assessed and be awarded to be paid, shall be and are hereby released and for ever discharged from such Rent, and all Claims and Demands in respect thereof; and the Money to be paid into the Bank of *England* shall be laid out and invested, under the Direction and with the Approbation of the Court of Exchequer, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Body or Bodies, Person or Persons, who would have been entitled to the Rents and Profits of the Tenements and Hereditaments for the Value of which such Monies respectively shall have been paid as aforesaid, in the Purchase of other Tenements or Hereditaments, which shall be conveyed and settled (subject, together with such other Tenements or Hereditaments, to such Rent,) to the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Tenements or Hereditaments so to be taken as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking effect; and in the meantime, and until such Purchase shall be made, the said Money shall, by Order of the said Court, upon Application thereto, be invested by the Accountant General of the said Court in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime, and until the Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Body or Bodies, Person or Persons, who would for the Time being have been entitled to the Rents and Profits of the said Tenements or Hereditaments hereby directed to be purchased in case such Purchase and Settlement were made; and the Tenements or Hereditaments so to be purchased and settled shall be subject to the Rent to which

which the same shall be declared as aforesaid in the Conveyance and Settlement thereof to be subject, in the same Manner, to all Intents and Purposes, as the Tenements or Hereditaments taken or to be taken for the Purposes of this Act as aforesaid were subject thereto; and the Body or Bodies, Person or Persons, to whom such Rent shall be payable, shall have such and the same Powers and Remedies for enforcing the Payment thereof or of any Part thereof, out of or upon the Tenements or Hereditaments to be comprised in such Conveyance and Settlement, and declared to be subject thereto, as they, he, or she would have been entitled to if such Rent had originally been reserved out of or charged upon the same, instead of the Tenements or Hereditaments to be taken for the Purposes of this Act, and in the same Manner to all Intents and Purposes as such Rent was reserved out of or charged upon such last-mentioned Tenements or Hereditaments, together with the other Tenements or Hereditaments subject thereto; and in the meantime, and until such Purchase shall be made, it shall be lawful for the said Court of Exchequer, if the said Court shall think proper, upon Application thereto, to order any Part of the Dividends and annual Produce of the Bank Annuities in which the said last-mentioned Money shall be invested to be paid from Time to Time to the Body or Bodies, Person or Persons, for the Time being entitled to the said Rent, in discharge thereof or Part thereof, as the Case may be.

L. And be it enacted, That where any Tenements or Hereditaments purchased, or wanted or intended to be purchased, by the said Commissioners, shall be subject, solely, or jointly with other Tenements or Hereditaments not intended or wanted to be purchased, to or with any Rent-service, Rent-charge, or Chief Rent, or other Rent, Payment, or Incumbrance, it shall be lawful for the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings to agree for the Release of the Tenements or Hereditaments so purchased, or wanted or intended to be purchased, from such Rent, Payment, or Incumbrance, and also (where necessary or convenient) for an Apportionment of such Rent, Payment, or Incumbrance for such gross Sum as shall be agreed upon between the said Commissioners and the Party who, under the Provisions of this Act, shall agree to sell or apportion the same, and which Agreement may be entered into by all Persons and Corporations by this Act authorized and empowered to sell or convey Lands; and the Monies to be paid shall be paid and applied in manner herein-before directed with regard to the Purchase Monies on the Sale of Lands; and in case any Difference shall arise respecting the Value of such Rent, Payment, or Incumbrance, or respecting the Apportionment thereof, the same shall be determined by a Jury, if required, in like Manner as the Price of Lands is by this Act directed to be settled in case of Dispute as to the Value thereof, which Jury shall assess and determine the Value of the Rent, Payment, or Incumbrance affecting the Tenements or Hereditaments purchased,

Power to purchase the Release of Hereditaments wanted from Rents charged thereon, or to apportion the same.

whether in Possession of such Tenements or Hereditaments by virtue of such Mortgage or not, and whether such Mortgage shall affect such Tenements or Hereditaments solely, or jointly with any other Tenements or Hereditaments which shall be so required,) shall, on Payment or Tender by the said Commissioners, or by any Person by them authorized, of the Principal Money and Interest due on such Mortgage, and the just Costs (if any) then due, together with the Amount of Six Calendar Months Interest on the said Principal Money, (which Tender and Payment the said Commissioners are hereby authorized to make, and to deduct the same from any Sum agreed or directed to be paid for the Estate or Interest of the Party or Parties entitled to the Equity of Redemption,) of and in the Tenements or Hereditaments so mortgaged, in case the same shall be sufficient for the Purpose, immediately convey, assign, and transfer the respective Interests of such Mortgagees in the Tenements or Hereditaments which shall be so required, to the said Commissioners and their Successors, or to such Person as the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings shall appoint; or in case such Mortgagees shall have Notice in Writing from the said Commissioners, or from the Party or Parties entitled to the Equity of Redemption of and in the same Tenements or Hereditaments, that they will pay off the Principal Money and Interest which shall be due on such Mortgage at the End of Six or less Number of Calendar Months, to be computed from the Day of giving such Notice, then, at the End of Six or less Number of Calendar Months, on Payment or Tender by the said Commissioners of the Principal Money and Interest which would become due at the End of Six Calendar Months from the Time of giving such Notice, together with any just Costs then due, such Mortgagees shall convey, assign, and transfer their respective Interests in the Tenements or Hereditaments which shall be so required for the Purposes of this Act to the said Commissioners and their Successors, or as the said Commissioners shall direct; and in case any such Mortgagees shall refuse to convey, assign, or transfer as aforesaid, on such Payment or Tender respectively as aforesaid, then, on Payment of such Money, Interest, and Costs into the Court of Exchequer, as herein-after mentioned, all Interest on every such Mortgage Debt, and all Claim and Right of every such Mortgagee thereto, shall thenceforth cease and determine: Provided always, that in case any such Mortgagee shall in either of the Cases aforesaid neglect or refuse to convey, assign, or transfer as aforesaid, then, upon Payment of the Principal Money and Interest, and the Costs (if any), due on any such Mortgage as aforesaid, into the Bank of *England*, at the End of Six Calendar Months from the Day of giving such Notice as aforesaid, or as soon after as possible, or in lieu of such Notice, and in addition to the said other Monies, of Six Calendar Months Interest in advance, for the Use of such Mortgagee, at any Time after Tender of the Principal, Interest, and Costs, and Six Calendar

dar Months Interest in advance, as aforesaid, the Cashier of the said Bank shall give a Receipt for the said Money in like Manner as is by this Act directed in Cases of other Payments into the said Bank; and thereupon, or upon such Conveyance, Assignment, or Transfer by any such Mortgagee as aforesaid, all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand of such Mortgagee, and of all Persons in Trust for him, or for whom he shall be Trustee, shall vest in the said Commissioners and their Successors, who shall be deemed to be in the actual Possession of the Premises and Estate comprised in such Mortgage, or so much thereof as shall be required for the Purposes of this Act, to all Intents and Purposes whatsoever.

LIII. And be it enacted, That in all Cases in which any Tenements or Hereditaments subject to any Mortgage shall be required for the Purposes of this Act, which Tenements or Hereditaments shall be of less Value than the Principal Monies, Interests, and Costs secured thereon, or in which a Part only of the Tenements or Hereditaments subject to any Mortgage shall be required for the Purposes of this Act, and such Part shall be of less Value than the Principal Monies, Interest, and Costs secured on such Tenements or Hereditaments, and the Mortgagee or Mortgagees thereof shall not consider the remaining Part of such Tenements or Hereditaments to be a sufficient Security for the Money charged thereon, or shall not be willing to release the Part required for the Purposes of this Act from the Principal or Mortgage Money, and all Interest due and to become due thereon, and all Costs, the Value of such Tenements or Hereditaments, or, as the Case may be, of such Part of the said Tenements or Hereditaments as shall be so required for the Purposes aforesaid, and also the Compensation (if any) for any Damage done in respect of the Parts so required, shall be settled and agreed upon by and between such Mortgagee or Mortgagees, and the Body or Bodies Politic, Corporate, or Collegiate, Trustee or Trustees, Person or Persons entitled to the Equity of Redemption of such Tenements or Hereditaments, whether absolutely or for such Estate as might capacitate him, her, or them to convey for the Purposes of this Act, on the one Part, and the said Commissioners on the other Part; and in case of any Difference between them then such Value and Compensation shall be determined by the Verdict of a Jury in the same Manner as in other Cases of Difference; and the Amount of such Value and Compensation, being so agreed upon or determined as aforesaid, shall be paid to such Mortgagee or Mortgagees in satisfaction of his, her, or their Claim, so far as the same will extend; and such Mortgagee or Mortgagees shall thereupon convey, assign, and transfer all his, her, or their Interest in such mortgaged Tenements or Hereditaments the Value whereof shall so have been agreed upon or determined as aforesaid, or in case of his, her, or their neglecting or refusing to convey, assign, or transfer as herein-before directed, then the Amount of such Value and Compensation

As to Cases where Mortgage Money is more than the Value of the Premises, or a Part only of the Premises is taken.

Compensation shall be paid into the Bank of *England* to the Credit of the said Mortgagee or Mortgagees, as by this Act is provided in Cases of the like Nature; and such Payment to the Mortgagee or Mortgagees, or into the Bank as last aforesaid, shall be accepted in satisfaction of the Claim of such Mortgagee or Mortgagees, so far as the same will extend, and also in full Discharge and Exoneration of such Part of the mortgaged Premises as shall be so taken or used from all Principal and Interest and other Money due or secured thereon; and thereupon such mortgaged Tenements or Hereditaments shall become absolutely vested in the said Commissioners and their Successors, who shall be deemed to be in the actual Possession thereof to all Intents and Purposes whatsoever: Provided nevertheless, that all Mortgagees shall have the same Powers and Remedies for recovering or compelling Payment of their Mortgage Money, or the Residue thereof (as the Case may be), or the Interest thereof respectively, upon and out of the Residue of the mortgaged Tenements or Hereditaments not required for the Purposes aforesaid, as they would have had or been entitled to for recovering or compelling Payment thereof upon or out of the whole of the Tenements or Hereditaments originally comprised in such Mortgage: Provided also, that when a Part only of the Tenements or Hereditaments (subject to any Mortgage) shall have been taken for the Purposes of this Act as aforesaid, and the Value of the Tenements or Hereditaments so taken shall, on the Assignment or Conveyance thereof to the said Commissioners and their Successors, have been paid to the Mortgagee or Mortgagees thereof, in part Satisfaction of his, her, or their Mortgage Debt, a Memorandum of what shall have been so paid shall be endorsed on the Deed creating such Mortgage at the Time of executing such Assignment or Conveyance to the said Commissioners, and shall be signed by such Mortgagee or Mortgagees; and a Copy of such Memorandum shall at the same Time (if required) be furnished by the said Commissioners to the Person or Persons so entitled as aforesaid to the Equity of Redemption of the Tenements or Hereditaments comprised in such Mortgage Deed.

Tenants at Will,
or from Year to
Year to quit
after Notice.

LIV. And be it enacted, That every Tenant at Will, or Lessee for a Year, or any other Person or Persons in Possession of any such Houses, Buildings, Ground, Tenements, or Hereditaments, or any Part thereof, which shall be purchased by virtue of this Act, or vested in the said Commissioners for the Purposes aforesaid, who shall have no greater Interest in the Premises than as Tenant at Will, or Lessee for a Year, or from Year to Year, shall, at the End of Six Calendar Months next after Notice in Writing, signed by the said Commissioners, shall have been given to him, her, or them, or left at the Premises which are the Subject of such Notice, and whether such Notice be given with reference to the Time or Times of such Tenant's holding or not, quit and relinquish the said Premises unto the said Commissioners, or to such Person or Persons as shall be by them authorized to receive Possession thereof; and

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in case any such Lessee shall be compelled to quit before the Expiration of his or her Term or Interest in any such Premises, then and in such Case the said Commissioners shall give Satisfaction and Compensation for the Loss or Damage which he or she shall sustain thereby; and in case of any Difference as to the Amount of such Satisfaction or Compensation, the same shall or may be settled and ascertained by a Jury in the same Manner as the Sums of Money to be paid for the Purchase of any Ground or Hereditaments are herein-before directed to be ascertained; or if the said Commissioners and the other Parties in difference shall agree, the same may be settled by a Reference to the Award of Arbitrators, to be chosen by the Parties in difference; and that all and every Person or Persons, Bodies Corporate, Collegiate, or Ecclesiastical, Corporations Aggregate or Sole, in Possession of any Houses, Buildings, Ground, Tenements, or Hereditaments, or any Part of any Houses, Buildings, Ground, Tenements, or Hereditaments, which shall or may be purchased in pursuance of this Act by the said Commissioners, or vested in them for any of the Purposes aforesaid, shall, upon Tender or Payment as aforesaid of such Recompence or Satisfaction for any of his, her, or their Term, Estate, or Interest in the Premises, as shall be mutually agreed upon, or as shall be settled, ascertained, and awarded by any Referee or Referees, or Umpire, or by Verdict or Inquisition of a Jury, in manner aforesaid, quit and relinquish the said Premises so in their respective Possessions unto the said Commissioners, or to such Person or Persons as shall be by them authorized to receive Possession of the same; and all the Leases, Demises, Contracts, and Agreements whatsoever, under or by virtue whereof any such Person or Persons shall hold the said Premises, shall, at and from the End and Expiration of such Six Calendar Months, or upon such Payment or Tender as aforesaid, be absolutely void and of none effect as against the said Commissioners; and if any such Tenant at Will, or Lessee, or other Person or Persons, Bodies Corporate, Collegiate, or Ecclesiastical, Corporations Aggregate or Sole, as aforesaid, shall refuse or neglect to deliver up, the Premises in his, her, or their Possession, at the Expiration of such Six Calendar Months, or upon such Payment or Tender as aforesaid, it shall be lawful for any Justice of the Peace for the County of *Middlesex*, or the City and Liberty of *Westminster*, as the Case may be, to issue his Precept or Warrant to the Constables of the said County and City for the Time being, or any of them, or to any Person or Persons to be by such Justice appointed a Constable or Constables for that especial Purpose, commanding and requiring such Constable or Constables, or any of them, to cause Possession of the said Premises to be taken and afterwards delivered to such Person or Persons as shall in such Precept or Warrant be nominated to receive the same on behalf of such Commissioners, and the said Constables, and every of them, are and is thereupon hereby authorized and required to cause such Possession to be taken and delivered accordingly.

Persons authorized to sell may refer to Arbitrators to fix the Price.

LV. And be it enacted, That all Persons hereby capacitated to sell, and who may not agree with the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, as to the Price to be paid, may, if they shall think fit, agree with the said Commissioners to refer it to any Person or Persons to ascertain the Amount to be paid; and every such Agreement shall be in all respects binding and effectual.

Power to clear the Ground, and sell old Materials.

LVI. And be it enacted, That it shall be lawful for the said Commissioners and they are hereby empowered to pull down or cause to be pulled down all Houses and other Erections and Buildings which shall be purchased by virtue of this Act, or such of them or such Part thereof as they shall think proper to be pulled down, and to level and clear the Ground whereon the same shall stand, and all other the Ground to be purchased by virtue of this Act, in such Manner as they shall think proper, and to sell or cause to be sold the Materials of the Houses and other Buildings to be taken down and removed pursuant to this Act; and the Monies to be produced by the Sale thereof, after deducting the Expences of pulling down such Houses and Buildings respectively, and of such Sale or Sales, and also the Rents and Profits of such Tenements and Hereditaments to be purchased or taken by virtue of this Act, until the same shall be pulled down or cleared, shall be applied and disposed of for or towards the Purposes of this Act or any of them.

Commissioners may grant Building Leases of Ground not wanted which they may think proper to be let.

LVII. And be it enacted, That as regards all or any Ground or Hereditaments which shall be purchased, and which shall not be wanted for the Purposes of being made into Thoroughfares, it shall be lawful for the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, and they are hereby authorized, when and as they shall think fit, by an Indenture or Indentures under their Common Seal, to demise and lease such Ground and Hereditaments, or such Part thereof as they shall think it expedient to let, on Building Leases, either altogether or in Parcels, to any Person or Persons who shall erect and build, or covenant and agree to erect and build thereon, or on any Part or Parts thereof, Houses, Erections, and Buildings, of such Rate or Class or respective Rates or Classes of Buildings, upon such Plan and Elevation or respective Plans and Elevations, of such Height or respective Heights, and with such Stories, as the said Commissioners shall think proper, for any Number of Years as they shall think fit, and under such Conditions, and either at a Rent or without any Rent, but so that in every such Demise or Lease there be contained a Covenant for the Payment of the Rent, if any shall be thereby reserved, and also such other Covenants on the Part of the Tenant or Lessee therein to be named, as the said Commissioners shall reasonably advise or require, and also a Clause in the Nature of a Condition of Re-entry on Nonpayment of the Rent, if any thereby be reserved, or on Nonperformance of the Covenants therein to be contained, on the Part of the Tenant or Lessee to be observed and performed; and the Lessee or Lessees named in

in each such Lease shall execute a Counterpart thereof; and further, that in any such Lease the said Commissioners may, if they think fit, accept and take any Fine for the granting thereof, and may enter into any Agreement for the granting any Lease or Leases, on such Terms and Conditions as they may think fit, and on the granting the Leases in pursuance of such Agreements may alter the Amount of the Rents agreed to be reserved in such Leases, and may apportion the same, and grant separate Leases of any Part of the Hereditaments by any such Agreement agreed to be leased, as they think fit, and may also, as they think fit, alter or rescind any Agreement as aforesaid, and may accept any Surrender of any Lease granted, for the Purpose of granting separate Leases of the same Premises at apportioned Rents or under different Covenants, or otherwise in all respects as the said Commissioners shall think fit, and that any Part of the said Ground may be appropriated for Squares, Gardens, or open Places, and any Part thereof may be left for Yards or Courts to be attached to any Houses agreed to be leased, as the said Commissioners shall think fit.

Commissioners may make Agreements for Leases, and accept Surrenders of Leases, &c.

LVIII. And be it enacted, That as soon as conveniently may be, and either before or after the Houses, Erections, and Buildings to be erected and built as herein-before is mentioned, or any of them, shall be finished and completed, and either before or after such Leases shall have been granted, the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings shall and they are hereby authorized and required to sell and dispose of, or cause to be sold and disposed of, the Ground Rents to be reserved by the Lease or Demise, or Leases or Demises, so agreed to be reserved by any such Agreement as aforesaid, in pursuance or in consideration of which the same Houses respectively shall have been erected and built, or shall be agreed to be erected and built, and also the Reversion and Inheritance in Fee Simple in Possession (subject to such Lease or Demise, or Leases or Demises, Agreement or Agreements, of the Pieces or Parcels of Ground therein demised or agreed to be demised), and such Houses and other Buildings therein, either altogether or in Parcels, by public Auction or private Contract, for such Price or Prices or Sum or Sums of Money as the said Commissioners shall think reasonable, and subject to such Stipulations and Provisions as to the Enjoyment thereof, and as to the Nature of the Buildings which are to be at all Times erected and built, and also subject to such Stipulations as to the Title to be produced to the Hereditaments to be sold, as the said Commissioners shall think fit; and as regards any Stipulations or Provisions which may be contained in any such Conveyance, the same may at all Times thereafter be enforced in a Court of Equity by the said Commissioners for the Time being, for the Benefit of the Parties entitled to the other Property adjoining or held under the same Title, in such Manner in all respects as the said Commissioners may think fit; and the said Commissioners shall and they are hereby empowered and required, at the Request, Costs, and

Commissioners of Woods to sell the Ground Rents and Reversions to be comprised in such Leases.

Charges

Charges of the Purchaser or Purchasers of the same Premises respectively, upon Payment of the Sum or Sums of Money agreed to be given for the same respectively to the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, by any Writing under their Common Seal, to convey and assure the Piece or Parcel of Ground, or Pieces or Parcels of Ground, so purchased by such Purchaser or Purchasers respectively, together with the Houses, Erections, and Buildings then erected and built, or to be erected and built thereon respectively, and the Fee Simple and Inheritance thereof, with the Appurtenances, to such Purchaser or Purchasers respectively, his, her, or their Heirs and Assigns respectively, or as he or they respectively shall in that Behalf order or direct, free from all Incumbrances (except the Building Lease or Building Leases, or Agreement or Agreements to be granted thereof by virtue of this Act); and that all Conveyances and Leases which shall be made as aforesaid pursuant to the Authority hereby in them reposed shall be adjudged sufficient to vest such Estate in the Purchaser or Lessee as shall have been agreed for, or shall be expressed or meant and intended to be conveyed and granted by any such Conveyance or Lease; and every such Lease, Agreement, and Conveyance, to be made under the Authority of this Act, may be in the Form or to the Effect as the said Commissioners shall order or direct; and it shall not be necessary that any such Conveyance as aforesaid should be made by Bargain and Sale enrolled, Fcoffment, or Lease and Release.

Commissioners of Woods empowered to sell any Ground which may not be wanted.

LIX. And be it enacted, That it shall be lawful for the said Commissioners to sell and dispose of, in manner and subject as aforesaid, and absolutely to grant and convey, such Part or Parts of any of the Hereditaments which may be acquired under the Powers of this Act, and which they shall not think proper to let on Building Leases as aforesaid, subject nevertheless to such Stipulations and Conditions as they may think fit, and thereupon the same shall be conveyed and assured by the said Commissioners as they shall think fit.

Purchase Monies and Rents to be applied to any of the Purposes of the Act.

LX. And be it enacted, That all and every Sum and Sums of Money which shall be received by the said Commissioners from any Sales herein-before directed to be made, or as the Premium on the granting any Building Lease, or which may be received on the rescinding any Contract, or which shall be forfeited in respect of the Nonperformance of any Contract, and all other the Monies (if any) and also the Rents (if any) of all the Hereditaments which may be acquired under or by virtue of this Act, until the same shall be sold, shall, after Payment of the Costs and Expences of the said Sale or Sales, which are hereby directed to be paid thereout, be applied in or towards any of the Purposes of this Act.

Monies not required for the Purposes of 3 & 4 Vict. c. 87. to be applied

LXI. And be it enacted, That all and every the Monies from Time to Time applicable to the Purposes of the secondly herein-before recited Act, which shall not be wanted for the effectuating the Purposes of the said last-mentioned Act, shall (after

(after the Completion of such Purposes) be paid over to the Commissioners for the carrying into effect this Act, and shall be by them applied for the Purposes of this Act.

LXII. And be it enacted, That the Receipts in Writing of the said Commissioners, or any Two of them, for any Monies payable to them under or by virtue of this Act, or the Powers herein contained, shall be good and sufficient Discharges for the same to any Purchaser, Lessee, or other Persons paying the same.

LXIII. And be it enacted, That it shall be lawful for the said Commissioners to raise any Monies which they may think fit, for the Purposes of this Act, by Mortgage of all or any of the Hereditaments to be acquired for the Purposes of this Act, and either before or after the same shall have been acquired; and the Monies so to be borrowed, and the Interest thereof, may be paid off at such Times and in such Manner as the said Commissioners shall agree on, by and out of any of the Monies from Time to Time applicable to the Purposes of this Act; but no such Monies shall be so applicable unless the said Commissioners shall specifically direct the same to be so applied; and every such Mortgage shall be made in such Form as the said Commissioners for the Execution of this Act may direct.

LXIV. And be it enacted, That it shall and may be lawful to and for the Commissioners for issuing Exchequer Bills for Public Works, acting in execution of an Act passed in the Fifty-seventh Year of the Reign of His late Majesty King George the Third, and of several subsequent Acts for amending and extending the same, and they are hereby authorized, to advance and lend to the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, any Sum or Sums of Money in Exchequer Bills, on Mortgage of the Hereditaments to be acquired under this Act, and either before or after the same shall have been acquired, and at such Rate of Interest as the Lord High Treasurer, or the Commissioners of Her Majesty's Treasury as aforesaid, or any Three of them, shall approve and direct.

LXV. And be it enacted, That upon the said Commissioners for the issuing of Exchequer Bills making such Advance to the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings as aforesaid, the said last-mentioned Commissioners shall thereupon convey or agree to convey to the Secretary for the Time being of the said Commissioners for the Issue of Exchequer Bills, his Heirs and Assigns, or as the said Commissioners shall direct, all or any Part of the said Hereditaments to be acquired under this Act, as a Security for the Repayment of the Amount of the said Exchequer Bills, with Interest thereon, at such Time or Times as the said Lord High Treasurer or Commissioners of Her Majesty's Treasury as aforesaid, or any Three or more of them, shall appoint; and any such Loan may be made before the actual Purchase and Acquisition of any such Hereditaments as aforesaid.

Purchases,
Sales, &c. to
be made under
the Authority
of the Treasury.

LXVI. And be it enacted, That no Purchase, Lease, Agreement for Lease, Sale, or Mortgage, to be made by the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, shall be made, except with the Assent in Writing of the Lord High Treasurer of *Great Britain*, or Three of the Commissioners for executing the Office of Lord High Treasurer; but it shall not be necessary for any Purchaser, Mortgagee, or Lessee to ascertain that such Consent has been given as aforesaid, nor shall the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings be bound to produce to any such Purchaser, Mortgagee, or Lessee any Evidence of such Assent: Provided nevertheless, that such Assent may be given either generally for any particular Class of Cases, or for any particular Purchase, Lease, Agreement for Lease, or Mortgage, as to the said Lord High Treasurer or Commissioners for executing the Office of Lord High Treasurer as aforesaid may seem meet.

Materials, &c.
vested in the
Commissioners.

LXVII. And be it enacted, That the Right and Property of all and every the Gates, Bars, Posts, Rails, Sheds, Carts, Engines, Materials for paving, Implements, Utensils, and Things whatsoever, which may be erected and set up or provided by the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, or by their Order or otherwise, belonging to and used by them for carrying the Purposes of this Act into execution, and also any Materials which formed Part of any Buildings which may be pulled down by the Direction of the said Commissioners in pursuance of the Powers of this Act, shall be vested in the said Commissioners, and they are hereby authorized and empowered to dispose of and apply the same for the Purposes of this Act as they shall think fit, and to bring any Action or Actions, and to prefer and prosecute with effect any Bill or Bills of Indictment, against any Person or Persons who shall steal, secrete, injure, damage, or dispose of the same or any of them respectively, to their own Use and Uses, or shall disturb them the said Commissioners, or their Officers or other Persons acting under them, in the Possession thereof.

Commissioners
to cause Actions
to be brought
for Breach of
Contracts.

LXVIII. And be it enacted, That in case any Contract entered into in pursuance of this Act with the said Commissioners for any Purchase or Lease, or in case all or any of the Works to be done in pursuance of this Act shall not be well and sufficiently performed, according to the Intent and Meaning of any Contract or Contracts to be entered into by the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings for any of the Purposes of this Act, or shall not be completed within the Time or Times specified in such Contract or Contracts, then and in every such Case the said Commissioners may cause an Action to be brought in any of Her Majesty's Courts of Law at *Westminster* against any such Contractor or Contractors, for any Penalty contained in his
Contract,

Contract, and on Proof of the signing of the said Contract, and Nonperformance thereof at the Times for that Purpose to be therein mentioned, the said Commissioners shall be entitled to and shall recover the full Penalty contained in any such Contract, any Law, Custom, or Usage to the contrary in anywise notwithstanding; which Penalty, when recovered, shall be applied to the Purposes of this Act: Provided always, that it shall be lawful for the said Commissioners, if they think fit, to compound and agree with any such Contractor for any Penalty incurred by him for the Breach or Nonperformance of any such Contract, for such Sum of Money as the said Commissioners shall think proper, not being less than the Injury or Damage sustained by the Breach or Nonperformance of such Contract, and all Costs, Charges, or Expences which shall be occasioned thereby.

LXIX. And be it enacted, That no Contract, Conveyance, Lease, Deed, or other Instrument, which shall be made, granted, or executed under any Powers or Authorities hereby granted, nor any Contracts or Agreements, Bonds or other Securities, Assignments, Conveyances, or other Deed or Instrument, which shall be made, entered into, or executed by any Person or Persons to or with the said Commissioners, or otherwise, for any of the Purposes of this Act, shall be subject or liable to any Stamp Duty whatever imposed by any Act now in force, nor to any Stamp Duty to be imposed by any future Act, unless such Instruments be specially subjected and specifically charged in and by such future Act.

Deeds, &c. not
liable to Stamp
Duty.

LXX. And be it enacted, That, notwithstanding any of the Provisions contained in the first herein-before recited Act of the Third and Fourth Years of the Reign of Her present Majesty, the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings shall from Time to Time render and give an Account to the Commissioners for auditing public Accounts of the Amount of all Monies which shall be raised or received by the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, under or by virtue of the Provisions of the said recited Act of the Second and Third Year of the Reign of Her present Majesty, and the said first herein-before recited Act of the Third and Fourth Year of the Reign of Her present Majesty, and of this Act, or by the Sale or Mortgage, or from the Rents and Profits of any Houses, Buildings, Lands, Tenements, Rents, or Hereditaments hereby authorized to be sold, mortgaged, demised, or let, or by the Sale of the Materials of any Houses or Buildings to be pulled down and sold as aforesaid, or by any Penalties, Forfeitures, or Fines hereby inflicted or authorized to be imposed, and directed to be paid to the said Commissioners, and of all other Monies which shall be received by them under or by virtue of the Authority of the said recited Acts and this Act, and of the Application of all such Monies

Commissioners
of Woods, &c.
to render Ac-
counts of their
Receipts and
Expenditure
from Time to
Time to the
Commissioners
for auditing
public Ac-
counts.

for the Purposes of the said recited Acts and this Act; and every such Account, when so rendered and given as aforesaid, shall be examined, tried, and audited by the said Commissioners for auditing the Public Accounts, pursuant to the Provisions of an Act passed in the Twenty-fifth Year of the Reign of His late Majesty King George the Third, intituled *An Act for the better examining and auditing the Public Accounts of the Kingdom.*

25 G. 3. c. 52.

Punishing Persons for giving false Evidence.

LXXI. And be it enacted, That all Persons who upon any Examination to be taken by virtue of this Act shall wilfully and corruptly give false Evidence or otherwise forswear themselves before any Jury or before any Justice of the Peace acting as such in the Execution of such Act, shall and may be prosecuted for the same, and upon Conviction thereof shall be subject to such and the same Pains and Penalties as Persons guilty of wilful and corrupt Perjury are by the Laws in force subject and liable to.

Plaintiff not to recover without Notice, or after Tender of Amends.

LXXII. Provided always, and be it enacted, That no Plaintiff or Plaintiffs shall recover in any Action to be commenced against any Person or Persons for any thing done in pursuance of this Act, unless Notice in Writing shall have been given to the Defendant or Defendants, or left at his, her, or their last or usual Place or Places of Abode, Twenty-one Days before such Action shall be commenced, of such intended Action, signed by the Attorney for the Plaintiff or Plaintiffs, specifying the Cause of such Action, nor shall the Plaintiff or Plaintiffs recover if Tender of good and sufficient Amends shall have been made to him, her, or them, or his, her, or their Attorney, by or on behalf of the Defendant or Defendants, before such Action brought, nor if such Tender of Amends shall be made at any Time after such Action brought, and before the Trial thereof, with Costs of Suit to the Time of such last-mentioned Tender; but on Proof of such Tender on any Trial to be had in such Action the Plaintiff or Plaintiffs shall be nonsuited, and shall pay full Costs, to be recovered in the same Manner as any Defendant or Defendants may recover Costs in any other Case by Law; or in case no Tender shall have been made it shall be lawful for the Defendant or Defendants in any such Action, by Leave of the Court wherein any such Action shall depend, at any Time before Issue joined, to pay into Court such Sum of Money as he, she, or they shall think fit, whereupon such Proceedings, Order, and Judgment shall be had, made, and given in and by such Court as in other Actions where the Defendant is allowed to pay Money into Court.

Limitation of Actions.

LXXIII. Provided always, and be it enacted, That no Action or Suit shall be brought or prosecuted against any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, for any thing done in pursuance of this Act, after Three Calendar Months next after the Fact committed, or in case there shall be a Continuation of Damages then after Three Calendar Months

Months next after the doing or committing such Damages shall have ceased, and not afterwards; and every such Action and Suit shall be laid and brought in the Liberty or County where the Matter in dispute shall arise, and not elsewhere; and the Defendant or Defendants in every such Action or Suit shall and may, at his, her, or their Election, plead specially, or plead the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by Authority of this Act; and if it shall appear to have been so done, or if any such Action or Suit shall have been brought before Twenty-one Days Notice shall have been given, or after a sufficient Satisfaction made or tendered as aforesaid, or shall be brought in any other County or Place than as aforesaid, then and in every such Case the Jury or Juries shall find for the Defendant or Defendants.

LXXIV. Provided always, and be it enacted, That nothing in this Act contained shall extend to prejudice or diminish, alter or take away, any of the Rights, Powers, or Authorities vested in the Commissioners of Sewers for the City and Liberty of *Westminster* and Part of the County of *Middlesex*, or in the Commissioners of Sewers for the Limits of *Holborn* and *Finsbury* Divisions, or in the Commissioners of Sewers for the *Tower* Hamlets (excluding *Saint Katherine's* and *Blackwall Marsh*) in the County of *Middlesex*, except as herein-before is enacted.

For protecting the Rights of the Commissioners of Sewers.

LXXV. And be it enacted, That the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings shall and they are hereby authorized, by and with the Consent of the Lord High Treasurer, or the Commissioners of Her Majesty's Treasury, or any Three or more of them, from Time to Time to appropriate and pay, out of the Monies to be borrowed and raised by the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, under the Powers and Provisions of this Act, to the Commissioners named and appointed in and by the lastly herein-before recited Act, any Sum or Sums of Money not exceeding in the whole the Sum of Twenty-five thousand Pounds, to be by the said last-mentioned Commissioners applied towards the Expence of making, forming, and completing the said Street to *Clerkenwell Green* as aforesaid: Provided always, that upon the said Sum of Twenty-five thousand Pounds being appropriated and paid by the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, as last aforesaid, the Commissioners to whom the same shall be so appropriated and paid shall give or provide (if required) such Security or Assurances, to make, form, and completely finish the Street, Thoroughfare, or other Improvement in aid of which such Advance shall be made as aforesaid, as the said Lord High Treasurer, or Commissioners of Her Majesty's Treasury, or any Three or more of them, may think proper: Provided also,

Commissioners of Woods empowered to advance Monies for completing the Street to Clerkenwell Green.

that in case any such Security or Assurance shall be required as aforesaid, it shall be lawful for the said Commissioners named and appointed by the said lastly herein-before recited Act, and they are hereby empowered, to enter into such Security or Assurance, and thereby to charge all and every the Property and Effects vested or to be vested in them or at their Disposal, and also to enter into any Contracts or Agreements with any Person or Persons willing to give any such Security, upon such Terms or Conditions, with respect to the mortgaging, leasing, purchasing, or selling the Whole or any Part of the Land authorized to be taken by virtue of the said lastly herein-before recited Act, as they may think desirable.

Commissioners empowered to advance Monies for completing certain other Improvements in Southwark and Westminster.

LXXVI. And be it enacted, That the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings shall and they are hereby authorized and empowered, by and with the Consent and Approbation of the Lord High Treasurer, or the Commissioners of Her Majesty's Treasury, or any Three or more of them, from Time to Time, and at such Time or Times as they the said last-mentioned Commissioners, in the Exercise of their Discretion, shall think fit and proper, to appropriate and apply, out of the Monies to be borrowed and raised by the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, under the Powers and Provisions of this Act, in case they the said Commissioners shall be authorized and empowered by any Act or Acts of Parliament to be passed for that Purpose to make, form, and complete the said Line of Street between *Southwark* and *Westminster Bridge*, or in case any other Trustees or Persons shall in and by any such Act or Acts as aforesaid be authorized and empowered to make, form, and complete such Street, then to advance and pay to such Trustees or Persons as last aforesaid any Sum not exceeding the Sum of Thirty thousand Pounds towards the Expence of making, forming, and completing the same Street; and also, with such Consent and Approbation as aforesaid, to appropriate and apply, out of the Monies to be borrowed and raised as aforesaid, in case the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings shall be authorized and empowered by any Act or Acts of Parliament to be passed for that Purpose to make, form, and complete the said Communication between the Neighbourhood of the Houses of Parliament and that of *Buckingham Palace*, or in case any other Trustees or Persons shall in and by any such Act or Acts as aforesaid be authorized and empowered to make, form, and complete such Communication, then to advance and pay to such Trustees or Persons as last aforesaid any Sum not exceeding the Sum of Thirty-nine thousand Pounds towards the Expences of making, forming, and completing such Communication as last aforesaid: Provided always, that in case the said last-mentioned Sums of Thirty thousand Pounds and Thirty-nine thousand Pounds, or either of them, shall be appropriated

appropriated and paid by the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, to any Trustees or other Persons who may be respectively authorized and empowered to make, form, and complete such Two last-mentioned Communications as aforesaid, such respective Trustees or other Persons shall give or provide (if required) such Security or Assurances to make, form, and completely finish the Street, Thoroughfare, or other Improvement in aid of which any such Advance shall be made as aforesaid, as the said Lord High Treasurer, or Commissioners of Her Majesty's Treasury, or any Three or more of them, may think proper: Provided also, that in case any such Security or Assurance shall be required as aforesaid, it shall be lawful for the said respective Trustees or other Persons named and appointed by any such Act or Acts as aforesaid, and they are hereby empowered, to enter into such Security or Assurance, and thereby to charge all and every the Property and Effects vested or to be vested in them, or at their Disposal, and also to enter into any Contracts or Agreements with any Person or Persons willing to give any such Security, upon such Terms or Conditions with respect to the mortgaging, leasing, purchasing, or selling the whole or any Part of the Land authorized to be taken by virtue of such Act or Acts, as they may think desirable.

LXXVII. ' And whereas it is in contemplation by the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, to recommend to Her Majesty, with a view to public Improvement, and the Accommodation of the Inhabitants of the new Squares, Streets, and Places that have lately been erected and formed in the Neighbourhood of *Knightsbridge* in the County of *Middlesex*, to make a new Thoroughfare and Opening into *Hyde Park*, subject to such Regulations as Her Majesty may approve of: And whereas the Dean and Chapter of the Collegiate Church of *Saint Peter Westminster* are the Owners of certain Ground and Houses on the North Side of the *Knightsbridge* Road, and immediately adjoining that Part of *Hyde Park* where the intended Opening is proposed to be made, and it is essential to the Accomplishment of the projected Improvement that the said Dean and Chapter should have Power to sell, or to lease for any Term not exceeding Ninety-nine Years, to the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, certain small Portions of such Ground and Houses, for the Purpose of enabling the said Commissioners to make the said intended Opening, and to erect Houses of a suitable Class and Elevation on each Side thereof; be it enacted, That it shall be lawful for the said Dean and Chapter of the Collegiate Church of *Saint Peter Westminster*, and they are hereby authorized and empowered, to contract for, sell, and convey to Her Majesty, Her Heirs and Successors, at such Price or Prices as shall be agreed upon or ascertained in manner prescribed by the Act herein-after referred to to be the fair Value thereof, all

Dean and Chapter of Westminster authorized to sell, and Commissioners of Woods enabled to purchase or take on Lease, certain Ground and Houses at Knightsbridge for making an Opening to Hyde Park.

or any Part of the Ground and Hereditaments herein-after described; that is to say, all that Piece or Parcel of Ground, with the *Cannon Brewery*, the *Fox and Bull Public House*, and other Buildings, thereon erected and built, situate on the North Side of the *Knightsbridge Road* aforesaid, bounded on the East by the Watercourse leading from and out of the *Serpentine River* to the River *Thames*, and extending Westward from such Watercourse Two hundred and thirty Feet or thereabouts on the North and South Sides thereof, and containing in Breadth One hundred and thirty Feet or thereabouts on the West Side thereof, and One hundred Feet or thereabouts on the East Side thereof; and also all that other Piece or Parcel of Ground, with the several Messuages and Buildings thereon erected and built, known and distinguished by the Nos. 23, 24, and 25, *Knightsbridge*, bounded on the West by the said Watercourse, and extending Eastwards therefrom Seventy-four Feet or thereabouts on the North and South Sides thereof, and containing in Breadth Eighty four Feet or thereabouts on the West Side thereof, and Seventy Feet or thereabouts on the East Side thereof, with the Appurtenances; and that it shall be lawful for the said Dean and Chapter, and they are hereby authorized and empowered, by Indenture under their Common Seal, on the Surrender of any existing Lease or otherwise, to grant any Lease or Leases of the same Premises, or of any Part or Parts thereof, to the said Commissioners, or to such Person or Persons as the said Commissioners shall appoint, on behalf of Her Majesty, Her Heirs and Successors, for any Term or Number of Years not exceeding Ninety-nine Years, at such Rent, and subject to such Covenants, Conditions, and Provisoos, and on such Terms, as shall be agreed upon between the said Dean and Chapter and the said Commissioners, and to enter into such Contracts and Agreements for the Purposes aforesaid as to them shall seem proper; and all Contracts, Agreements, Sales, Leases, Conveyances, and Assurances shall be valid and effectual in the Law to all Intents and Purposes whatsoever.

In case of the Grant of a Lease, Commissioners of Woods to give Security for Payment of reserved Rent, &c.

LXXVIII. And be it enacted, That in case any Lease shall be granted of the said Ground, Houses, and Hereditaments, or any of them, or any Part or Parts thereof, under the Powers herein-before contained, to the said Commissioners, or to any other Person or Persons, on behalf of Her Majesty, Her Heirs and Successors, it shall be lawful for the said Commissioners to give such Security for the due Payment of the Rent to be reserved, and the due Performance of the Covenants to be contained in such Lease, and on the Part of the Lessee or Lessees to be paid and performed, as to the said Commissioners shall seem meet, by way of Charge on the Land Revenues of the Crown under the Management and Control of the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings; and every Security so given shall be good, valid, and effectual.

LXXIX. And

LXXIX. And be it enacted, That all and every the Powers, Provisions, and Agreements contained in an Act passed in the Tenth Year of the Reign of His late Majesty King *George the Fourth*, intituled *An Act to consolidate and amend the Laws relating to the Management and Improvement of His Majesty's Woods, Forests, Parks, and Chases; of the Land Revenue of the Crown within the Survey of the Exchequer in England, and of the Land Revenue of the Crown in Ireland; and for extending certain Provisions relating to the same to the Isles of Man and Alderney*, with reference to Contracts, Sales, and Leases to be made to Her Majesty, Her Heirs and Successors, or to the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, on behalf of Her Majesty, shall, so far as the same are applicable, extend to the Contracts, Sales, and Leases hereby authorized to be made.

Powers of 10 G. 4. c. 50., with reference to Contracts, &c., to extend to Contracts, &c. hereby authorized to be made.

LXXX. And be it enacted, That this Act shall be deemed to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

Public Act.

The SCHEDULE to which this Act refers.

Coventry Street to Long Acre.

Number of House.	Situation.	Freeholders.	Leaseholders.	Occupiers.
8, held with 50 & 51, Leicester Square.	Princes Street	John Augustus Tulk	Thomas Milne	Thomas Milne.
9, and 52	Ditto	Ditto	Charles Sherborn	Charles Sherborn.
10	Leicester Square	Sigismund Stolkerforth	Robert & R. Gibson	Robert & R. Gibson.
50 & 51, held with 8, Princes Street.	Leicester Square	John Augustus Tulk	Thomas Milne, D. Davies	The Rev. W. Dodsworth, D. Davies.
53	Ditto	Ditto	Thomas Parke, Elam & Sons	Elam & Sons.
17	Ditto	Charles Augustus Tulk	Margaret Saunders, Andre Picnot	Andre Picnot.
1	Cranbourne Street	Marquis of Salisbury	Henry Salter	Henry Salter.
2 & 1	Ditto	Ditto	-	Elizabeth Smith.
3 & 2	Bear Street	Ditto	James Lindley	James Lindley.
4	Cranbourne Street	Ditto	David Thomas	David Thomas.
5	Ditto	Ditto	James Bruce	James Bruce.
6	Ditto	Ditto	Mary Marshall, David Thomas	David Thomas.

7	Ditto	-	-	-	Mary Marshall, Mary Ann Hobbs, Harriet Reynolds.	Mary Ann Hobbs, Harriet Reynolds.
8	Ditto	-	-	-	William Lowley	William Lowley.
9	Ditto	-	-	-	-	James Appleby.
10	Ditto	-	-	-	James Staines Fitzpatrick	James Staines Fitzpatrick.
11	Ditto	-	-	-	William Brodie Gurney	Jane Richards.
12 & 13	Ditto	-	-	-	James Ellison	James Ellison.
14	Ditto	-	-	-	Francis Ellison	Morris Joseph.
15	Ditto	-	-	-	Francis Ellison, Dennis & Murfills.	Dennis & Murrills.
72	Castle Street	-	-	-	Alfred Carter	John Simmons.
71	Ditto	-	-	-	Edward Beavan	Edward Beavan.
70	Ditto	-	-	-	Charles Kerk	Charles Kerk.
3	Bear Street	-	-	-	Richard Shuter, Peter Crumb	Peter Crumb.
4	Ditto	-	-	-	William Iliff Cathine, John Clarke	William and John Lindley.
5	Ditto	-	-	-	Spence, William Nichola.	-
1	Ditto	-	-	-	Ditto	Edmund Francis.
2	Cranbourne Alley	-	-	-	Robert Barrett	Robert Barrett.
6	Ditto	-	-	-	Charles Bamfield	Hannah Masey.
7	Ditto	-	-	-	Henry Baldwin	Douglas Gray, Barnabas Reilly.
10	Castle Street	-	-	-	William Lewis, John Newman Harrison.	William White. John Newman Harrison.
9	Ditto	-	-	-	William Lewis, William Jackson	William Jackson.
8	Ditto	-	-	-	Thomas Carr & Co., John Bateman.	John Bateman.
7	Ditto	-	-	-	David Bray, Mary Ann Porter, John St. Thompson (Executors of John Newman), and Edward Tarbox.	Edward Tarbox.
Back Ground.	Ditto	-	-	-	Edward Tarbox	Ditto.
6	Ditto	-	-	-	John Newman Harrison, James and Edward Hutchings.	James and Edward Hutchings.

Coventry Street to Long Acre—continued.

Number of House.	Situation.	Freeholders.	Leaseholders.	Occupiers.
5	Cattle Street	Marquis of Salisbury	William Ward	William Ward
1	Little Court, ditto	Ditto	Thomas C. Treslove, John Erratt.	John Erratt.
2	Ditto	Ditto	Thomas C. Treslove, Francis Robinson.	Francis Robinson.
3	Ditto, the Back of Old Slaughter's Coffee House.	Ditto	Thomas C. Treslove, George Bew Tipping.	George Bew Tipping.
14	St. Martin's Court	Ditto	Margaret Coull, Alfred Sharp	Alfred Sharp.
13	Ditto	Ditto	David Griffin, William Brady	William Brady.
12	Ditto	Ditto	Charles Murton	Charles Murton.
79 & 78	St. Martin's Lane	Ditto	Edward Willment	Edward Willment.
77	Ditto	Ditto	Thomas C. Treslove, Benjamin Golding.	Benjamin Golding.
76	Ditto	Ditto	Thomas C. Treslove, Charles Willson.	The Misses Tipping.
75 & 74	Ditto	Ditto	George Bew Tipping	George Bew Tipping.
26	Great Newport Street	Ditto	George Smallbone	George Smallbone.
25	Ditto	Ditto	Charlotte Lavers	Charlotte Lavers.
24	Ditto	Ditto	Benjamin Powell	Benjamin Powell.
23	Ditto	Ditto	Henry Gibbs	Henry Gibbs.
22	Ditto	Ditto	Joseph Mansell	Joseph Mansell.
21	Ditto	Ditto	William Shoveller, Edward Cobbett.	Edward Cobbett.
1	Ditto	Ditto	Thomas How	Thomas How.
2	Ditto	Ditto	Ditto	Thomas Rodd.
3	Upper St. Martin's Lane	Ditto	Robert Gadsden	Robert Gadsden.
4	Ditto	Ditto	Edward Bayliss, William Lowe	William Lowe. Samuel Martin.

5	Ditto	Ditto	John Dent	Dent and Langridge.
6, and Gateway, Offices, and Part of Yard behind.	Ditto	Ditto	Matthew Clement Allen	Matthew C. Allen.
7	Ditto	Ditto	Mary Holland	Mary Holland.
8	Ditto	Ditto	Edward Baylis	Empty.
9, and Timber Yard.	Ditto	Ditto	George Shadbolt	George Shadbolt.
<i>East Smithfield to Rosemary Lane.</i>				
88, held with Yard, Sta- bling, Soap Manufac- tory in Dock Street, and Gateway Entrance from Wells Street.	East Smithfield	The Trustees of Sir Samuel Stirling's Charity.	Frederick Cowper and Thomas Russell, Trustees; William Jarvis.	Thomas William Jarvis.
84, with Count- ing-house, Workshops, &c. to Dock Street.	Ditto	Frederick Cowper and Thomas Russell.	Charles Allen Young	Charles Allen Young.
85	Ditto	Ditto	-	Simon Aaron.
86	Ditto	Ditto	-	Anton Hermann Jarrach.

East Smithfield to Rosemary Lane — continued.

Number of House.	Situation.	Freeholders.	Leaseholders.	Occupiers.
87	East Smithfield	Frederick Cowper and Thomas Russell.	- - -	Nathaniel Nathan.
88	Ditto	John C. Barnes	James Inch	James Inch.
89	Ditto	Joseph Tuerena	John Goodwin, Michael Nesbit Ireland.	Michael Nesbit Ireland.
with Back Premises in Tuerena Court.				
90	Ditto	The Executors of John Gabriel Hesse.	Charles Roberts, Peter Dennet Godart.	Peter Dennet Godart.
91	Ditto	Miss Rumball and Alfred Jones.	Edward and James Cox	John Franks.
92,	Ditto	Ditto	Ditto	Edward and James Cox.
with Wheelwright's Yard, Shop, &c.				
93	Ditto	Ditto	Ditto	Alexander Allen.
1, 2, 3, 4, & 5.	Tuerena Court	Joseph Tuerena	John Goodwin	John Goodwin and his weekly Tenants.
15,	Wells Street	Frederick Cowper and Thomas Russell.	Harry Foster Mellin	Harry Foster Mellin.
Soda Water Manufactory, Counting-house, &c.				

Warehouse and Yard, &c.	Ditto	-	-	-	-	John Ashwood Hubbard.
Two Warehouses, Yard, &c.	Ditto	-	-	-	John Laidley	John Laidley.
Gateway leading to Back Premises.	Dock Street	-	-	-	Thomas Webster	The St. Katherine's Dock Company and George Hitchcock.
22	Ditto	-	-	-	Ditto	Mary Thompson.
21	Ditto	-	-	-	Ditto	George Call.
20	Ditto	-	-	-	Ditto	Abraham Rozier.
19	Ditto	-	-	-	Ditto	Anne Dierksen.
18	Ditto	-	-	-	Ditto	Thomas Ferneux.
17	Ditto	-	-	-	Ditto	Augustus William Moscrop.
16	Ditto	-	-	-	Ditto	John Richards.
15	Ditto	-	-	-	Ditto	Thomas Hewston.
14	Ditto	-	-	-	Ditto	John Troul.
Four Sugar Houses, Warehouses, small Houses, Gateways, &c.	Ditto	-	-	-	Ditto	Unoccupied.

‘ engaged in and carrying on the Business of Banking, and
 ‘ divers other Trades and Dealings, for Gain and Profit, and
 ‘ have accordingly for some Time past been and are now en-
 ‘ gaged in carrying on the same, by means of Boards of Directors
 ‘ or Managers, Committees, or other Officers acting on behalf of
 ‘ all the Members or Shareholders of or Persons otherwise in-
 ‘ terested in such Associations or Copartnerships: And whereas
 ‘ divers Spiritual Persons having or holding Dignities, Prebends,
 ‘ Canonries, Benefices, Stipendiary Curacies, or Lectureships
 ‘ have been Members or Shareholders of or otherwise interested
 ‘ in divers of such Associations and Copartnerships: And
 ‘ whereas it is expedient to render legal and valid all Con-
 ‘ tracts entered into by such Associations or Copartnerships,
 ‘ although the same may now be void by reason of such Spirit-
 ‘ ual Persons being or having been such Members or Share-
 ‘ holders or otherwise interested as aforesaid;’ be it therefore
 enacted by the Queen’s most Excellent Majesty, by and with
 the Advice and Consent of the Lords Spiritual and Temporal,
 and Commons, in this present Parliament assembled, and by
 the Authority of the same, That no such Association or Co-
 partnership already formed, or which may be hereafter formed,
 nor any Contract either as between the Members, Partners,
 or Shareholders composing such Association or Copartnership
 for the Purposes thereof, or as between such Association or
 Copartnership and other Persons, heretofore entered into or
 which shall be entered into by any such Association or Co-
 partnership already formed or hereafter to be formed, shall be
 deemed or taken to be illegal or void, or to occasion any For-
 feiture whatsoever, by reason only of any such Spiritual Per-
 son as aforesaid being or having been a Member, Partner, or
 Shareholder of or otherwise interested in the same; but all such
 Associations and Copartnerships shall have the same Validity,
 and all such Contracts shall and may be enforced in the same
 Manner, to all Intents and Purposes, as if no such Spiritual
 Person had been or was a Member, Partner, or Shareholder of
 or interested in such Association or Copartnership: Provided
 always, that it shall not be lawful for any Spiritual Person
 holding any Cathedral Preferment, Benefice, Curacy, or Lec-
 tureship, or who shall be licensed or allowed to perform the
 Duties of any Ecclesiastical Office, to act as a Director or ma-
 naging Partner, or to carry on Trade or such Dealing as afore-
 said in Person.

No Association
 or Copartner-
 ship, or Con-
 tract entered
 into by any of
 them, to be
 illegal or void
 by reason only
 of Spiritual
 Persons being
 Members
 thereof.

No Spiritual
 Person bene-
 ficed or per-
 forming Eccle-
 siastical Duty
 to act as a
 Director.

In all Actions
 and Suits by
 Copartnerships
 established
 since the Session
 of 2 & 3 Vict.
 the Defendant
 to be entitled
 to taxed Costs,
 and the Court
 to make Order
 for further
 Costs.

II. And be it enacted, That in all Actions and Suits which shall have been brought or instituted by or on behalf of any such Association or Copartnership which may have been formed since the End of the Session of Parliament held in the Second and Third Years of the Reign of Her present Majesty, in case any Defendant therein shall, before the Twenty-ninth Day of *March* One thousand eight hundred and thirty-eight, by Plea or otherwise, have insisted on the Invalidity of any Contract thereby sought to be enforced, by reason of any such Spiritual Person as aforesaid being or having been a Member or Shareholder

holder in such Association or Copartnership, such Defendant shall be entitled to the full Costs of such Plea or other Defence, to be paid by the Plaintiff, and to be taxed as the Court in which the said Action or Suit shall be depending, or any Judge thereof, shall direct; and in order fully to indemnify such Defendant it shall be lawful for such Court or Judge to order the Plaintiff to pay to him such further Costs (if any) of the said Action or Suit as the Justice of the Case may require.

III. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament. Act may be amended this Session.

CAP. XV.

An Act for the Erection at *Edinburgh* of a Monument to the late Sir *Walter Scott*. [18th May 1841.]

‘ WHEREAS it is intended to erect a public Monument in the Metropolis of *Scotland*, in order to testify to future Times the Admiration wherewith the Cotemporaries of the late Sir *Walter Scott* of *Abbotsford*, Baronet, regarded his brilliant and fertile Genius, and the many high and amiable moral Qualities which are displayed throughout his Writings: And whereas an Act was passed in the Third Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for regulating the Mode of accounting for the Common Good and Revenues of the Royal Burghs of Scotland*: And whereas another Act was passed in the First and Second Years of Her present Majesty, intituled *An Act to regulate and secure the Debt due by the City of Edinburgh to the Public, to confirm an Agreement between the said City and its Creditors, and to effect a Settlement of the Affairs of the said City and Town of Leith*; by which Acts the Lord Provost, Magistrates, and Town Council of *Edinburgh* are prohibited from alienating, gratuitously, any Part of the Property belonging to the said City: And whereas an Act was passed in the Seventh and Eighth Years of the Reign of His Majesty King *George* the Fourth, intituled *An Act for carrying into effect certain Improvements within the City of Edinburgh and adjacent to the same*, by which it was, *inter alia*, provided that it should not be competent to erect Buildings of any Kind upon the Area opposite to *Princes Street* Eastward of the Mound in the City of *Edinburgh*, belonging in Property to the Lord Provost, Magistrates, and Council of the said City, and that the whole of the said Area should be used as an ornamental Area in all Time coming, excepting always a public Theatre or Playhouse: And whereas another Act was passed in the First and Second Years of the Reign of His Majesty King *William* the Fourth, intituled *An Act to alter and amend an Act passed in the Seventh and Eighth Year of the Reign of His late Majesty, intituled ‘An Act for carrying into effect certain Improvements within the City of Edinburgh and adjacent to the same,’* in which Act the afore-

3 G. 4. c. 91.
1 & 2 Vict. c. 55.
7 & 8 G. 4. c. lxxvi.
1 & 2 W. 4. c. xlv.

M 2

‘ said

‘ said Prohibition is recited and re-enacted : And whereas the
 ‘ said Area is deemed to be the most eligible Situation for the
 ‘ said Monument, and it is therefore expedient that the said
 ‘ Restriction, so far as regards such Building, should be re-
 ‘ pealed, and that the Lord Provost, Magistrates, and Council
 ‘ of the City of *Edinburgh* should be empowered to make a
 ‘ gratuitous Grant of the Ground required for the aforesaid
 ‘ Purpose, in respect of the Nature of the Object to be accom-
 ‘ plished, and the Ornament to be thereby afforded to the
 ‘ City : And whereas it is expedient that Authority should
 ‘ be given to the Persons subscribing towards the Expence of
 ‘ erecting the said Monument to construct the same on the
 ‘ said Area ;’ be it therefore enacted by the Queen’s most Ex-
 ‘ cellent Majesty, by and with the Advice and Consent of the
 ‘ Lords Spiritual and Temporal, and Commons, in this present
 ‘ Parliament assembled, and by the Authority of the same, That
 ‘ so much of the said recited Acts as enacts that it should not be
 ‘ lawful to erect Buildings of any Kind upon the Area opposite
 ‘ to *Princes Street* Eastward of the Mound in the City of *Edin-
 burgh*, and that the whole of the said Area should be used as
 ‘ an ornamental Area in all Time coming, shall be repealed, and
 ‘ it shall be lawful to erect thereon a Monument to the said Sir
 ‘ *Walter Scott*, which the Persons subscribing to the Expences
 ‘ thereof are hereby authorized to do.

Repealing the
 Prohibition to
 build upon the
 Area described,
 and authorizing
 the Erection of
 a Monument
 thereon to Sir
 Walter Scott.

The Exemption
 of a Playhouse
 from the Pro-
 hibition against
 Building re-
 pealed.

II. And be it enacted, That so much of the said Two last-
 recited Acts as exempts a Theatre or Playhouse from the Pro-
 hibition against erecting Buildings on the said Area in *Princes
 Street* Eastward of the Mound shall be repealed ; and the said
 Prohibition, and all the Provisions contained in the said Two
 last-recited Acts against the Erection of other Buildings on the
 said Area, shall be and the same are hereby ratified and con-
 firmed, so that it shall continue incompetent to the said Lord
 Provost, Magistrates, and Council of *Edinburgh*, or to any Per-
 son or Persons, to erect Buildings of any Kind upon the said
 Area, or to discharge any Restriction against building thereon,
 as set forth in the said Acts, excepting always the Buildings
 specially authorized by this Act.

Magistrates of
 Edinburgh
 authorized to
 grant the
 Ground gra-
 tuitously.

III. And be it enacted, That the Lord Provost, Magistrates,
 and Town Council of the City of *Edinburgh* are hereby autho-
 rized and required to grant and apply, without Price or Con-
 sideration, so much of the said Area opposite to the End of
Saint David Street, together with the necessary Access to the
 same, as shall be required by the Persons subscribing as afore-
 said, as a Site for the said Monument, and for a House in
 connexion therewith to be occupied by the Keeper thereof :
 Provided always, that the Space so to be granted for the Site of
 the said Monument shall not exceed One hundred and twenty
 Feet Square, and Fifty Feet by Thirty for the Keeper’s House,
 and that such House shall not exceed in Height a Line Six
 Feet below the Level of the Roadway of *Princes Street*, and that
 the Plan and Position of the said House shall be approved of by
 the said Lord Provost, Magistrates, and Council of the City of
Edinburgh

Edinburgh before the same is begun to be erected: Provided also, that Compensation shall be made for any Damage that may be occasioned to the Occupier of the said Area; and in case of any Difference as to the Amount thereof, the same shall be ascertained and fixed by the Sheriff of the County of *Edinburgh*, whose Determination shall be final, and not subject to Review.

IV. And be it enacted, That as soon as the said Buildings shall be declared by the Subscribers to be completed, which shall be done by Intimation in Writing by the Clerk or Secretary of the said Subscribers, or other Person duly authorized by them, to the Lord Provost, Magistrates, and Council of the City of *Edinburgh*, the said Buildings, and the Area whereon the same are erected, shall be and the same are hereby, in virtue of this Act, and without any further Conveyance, vested in the following Persons; *videlicet*, the said Lord Provost, the Treasurer of the City of *Edinburgh*, the Dean of Guild of *Edinburgh*, the Lord Justice General, the Lord Clerk Register, or, in his Absence, the Senior Clerk of Session, and the Dean of the Faculty of Advocates, all for the Time being, together with the nearest surviving Male Relation for the Time being of the said *Sir Walter Scott*, as Trustees for the Care and Preservation of the said Monument.

Monument,
when com-
pleted, vested
in Trustees.

CAP. XVI.

An Act to enable the Commissioners of Wide Streets to sell, and Her Majesty to purchase, certain Hereditaments in the City of *Dublin* on the North Bank of the River *Anna Liffey*. [18th May 1841.]

5766e 62

WHEREAS by an Act passed in the Tenth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to consolidate and amend the Laws relating to the Management and Improvement of His Majesty's Woods, Forests, Parks, and Chases; of the Land Revenue of the Crown within the Survey of the Exchequer in England, and of the Land Revenue of the Crown in Ireland; and for extending certain Provisions relating to the same to the Isles of Man and Alderney*, it was enacted, that it should be lawful for the Commissioners for the Time being of His Majesty's Woods, Forests, and Land Revenues from Time to Time to contract for and purchase, for and on behalf of His Majesty, His Heirs or Successors, any Manors, Lordships, Messuages, Lands, Tenements, or Hereditaments in Fee Simple, which should in their Judgment be desirable to be purchased for and on behalf of His Majesty, His Heirs or Successors; and all such Manors, Lordships, Messuages, Lands, Tenements, and Hereditaments so purchased should be conveyed to His Majesty, His Heirs and Successors; and all Manors, Lordships, Messuages, Lands, Tenements, and Hereditaments which

10 G. 4. c. 50.

2 & 3 W. 4. c. 1.

11 G. 4. &
1 W. 4. c. xviii.

' should be so purchased should, on the Completion of the
 ' respective Purchases thereof, become Part of the Possessions
 ' and Land Revenues of His Majesty, His Heirs and Succes-
 ' sors, in right of the Crown, and subject to the same Powers
 ' and Authorities in every respect, including the Powers and
 ' Provisions in the said Act contained, as the other Possessions
 ' and Land Revenues of the Crown to which the now-reciting
 ' Act related: And whereas by an Act passed in the Second
 ' Year of the Reign of His late Majesty King *William* the
 ' Fourth, intituled *An Act for uniting the Office of the Surveyor*
 ' *General of His Majesty's Works and Public Buildings with the*
 ' *Office of the Commissioners of His Majesty's Woods, Forests,*
 ' *and Land Revenues, and for other Purposes relating to the Land*
 ' *Revenues,* it was enacted, that the Persons to be appointed as
 ' therein mentioned, and their Successors, should be called
 ' "The Commissioners of His Majesty's Woods, Forests, Land
 ' Revenues, Works, and Buildings;" and that all Acts of Par-
 ' liament in which the Commissioners of His Majesty's Woods,
 ' Forests, and Land Revenues, or the Surveyor General of
 ' His Majesty's Works and Public Buildings, were named or
 ' mentioned, should apply to the Commissioners for the
 ' Time being of His Majesty's Woods, Forests, Land Revenues,
 ' Works, and Buildings, so to be appointed as therein men-
 ' tioned, as if such last-mentioned Commissioners had been
 ' originally named in such Acts of Parliament instead of the
 ' Commissioners of His Majesty's Woods, Forests, and Land
 ' Revenues, and the Surveyor General of His Majesty's Works
 ' and Public Buildings: And whereas by an Act passed in
 ' the Eleventh Year of the Reign of His Majesty King *George*
 ' the Fourth, intituled *An Act to enable the Commissioners of*
 ' *Wide Streets to widen and improve certain Ways, Streets, and*
 ' *Passages in and about the City and County of Dublin; and*
 ' *to amend and extend the Provisions of Two Acts passed in the*
 ' *Forty-seventh and Fifty-seventh Years of the Reign of His late*
 ' *Majesty, for improving and rendering more commodious such*
 ' *Parts of the County and County of the City of Dublin as are*
 ' *situate on the South Side of the River Anna Liffey and West of*
 ' *His Majesty's Castle of Dublin,* after reciting, amongst other
 ' things, certain Acts of Parliament, whereby certain Commis-
 ' sioners therein named were authorized to improve and render
 ' more commodious certain Parts of the County and City of
 ' *Dublin,* and for that Purpose to purchase certain Lands,
 ' Buildings, and Hereditaments; and also reciting that several
 ' Ways, Streets, and Passages in and about the City and
 ' County of the City of *Dublin* had been widened and rendered
 ' more commodious, and that several other Improvements had
 ' been made by the Commissioners for making wide and con-
 ' venient Streets in and about the City and County of the City
 ' of *Dublin,* in pursuance of the Powers vested in them by the
 ' said several therein-recited Acts as therein is mentioned; and
 ' that it would tend much to the Convenience and Safety
 ' of the Inhabitants of the said City and otherwise, as in the
 ' said

' said Act is mentioned, if the Ways and Passages therein
 ' mentioned or referred to were widened and improved, it
 ' was by the said Act now in recital (amongst other things)
 ' enacted, that the several Acts recited in the said Act now in
 ' recital, and all and every the Clauses, Powers, Provisions,
 ' Penalties, Forfeitures, Matters, and Things therein contained
 ' (save and except such Part or Parts thereof as might be varied,
 ' altered, or repealed, or as were by the Act now in recital
 ' varied, altered, or repealed) should be as good, valid, and
 ' effectual for carrying the now-reciting Act into execution to
 ' all Intents and Purposes whatsoever as if the same had been
 ' repeated and re-enacted in the Body of the Act now in recital;
 ' and that the same, and all and every such Clauses, Powers,
 ' Provisions, Penalties, Forfeitures, Matters, and Things, should
 ' and might extend and be construed to extend (amongst other
 ' Improvements and Things) to complete the Opening of the
 ' Quay on the North Side of the River *Anna Liffey* between
 ' *West Liffey Street* and *George the Fourth's Bridge* in front of
 ' the *Royal Barracks*, as particularly described or delineated in
 ' certain Maps or Plans mentioned or referred to in the now-
 ' reciting Act, and in the Schedule annexed to the same Act, in
 ' such and the like Manner as if the same had been included in
 ' the said Acts or any of them, and had been delineated and
 ' laid down on the Map or Plan in the said Acts or any of them
 ' particularly mentioned or referred to; and it was further
 ' enacted, that all the Powers and Authorities given to or vested
 ' in the said Commissioners of Wide Streets or their Successors,
 ' or any Three or more of them, for the Purpose of carrying
 ' the said several therein-recited Acts or any of them into ex-
 ' ecution, should be and the same were thereby declared to be
 ' given to and vested in the said Commissioners and their Suc-
 ' cessors, or any Three or more of them, for carrying the now-
 ' reciting Act into execution; and that the said Commissioners
 ' and their Successors, or any Three or more of them, should
 ' have and enjoy the like Rights, Privileges, and Immunities,
 ' and should be subject and liable to the like Rules, Regula-
 ' and Restrictions, for the Purpose of carrying the now-reciting
 ' Act into execution, as the said Commissioners and their Suc-
 ' cessors, or any Three or more of them, had and enjoyed and
 ' were subject and liable to for the Purpose of carrying the said
 ' therein-recited Acts or any of them into execution, except only
 ' so far as the same or any of them were altered or affected by
 ' the Act now in recital: And whereas, in pursuance of the
 ' Powers in the said last-recited Act contained, the said Com-
 ' missioners of Wide Streets, out of the Funds appropriated or
 ' available for the Purposes of the said Act, did purchase the
 ' Inheritance in Fee Simple of a Plot of Ground extending
 ' from *West Liffey Street* along the North Bank of the River
 ' *Anna Liffey*, and lying between the said River and the *Royal*
 ' *Barracks* to *King George the Fourth's Bridge*, on which were
 ' formerly standing certain Houses and Buildings, forming the
 ' Streets called *Park Gate Street*, *Barrack Street*, *Windmill Court*,

‘ *West Liffey Street*, and *Flood Street* respectively : And whereas
 ‘ all the said Houses and Buildings, with the Exception of
 ‘ Eleven Dwelling Houses which are specified in the Second
 ‘ Division of the Schedule to this Act annexed, have been taken
 ‘ down and entirely removed, and the Space on which the same
 ‘ formerly stood is now vacant : And whereas the said Plot of
 ‘ Ground is particularly described in the First Division of the
 ‘ Schedule to this Act annexed : And whereas the said Eleven
 ‘ Dwelling Houses, with the Appurtenances, are subject to the
 ‘ Residue of a Term of Years of which Twenty-seven Years or
 ‘ thereabouts are now unexpired, at a yearly Rent of Sixty-
 ‘ eight Pounds, and the Interests of the Parties entitled thereto
 ‘ under the said Lease have not been purchased or taken by the
 ‘ said Commissioners of Wide Streets : And whereas, as the
 ‘ Commissioners of Wide Streets are, under the Powers vested
 ‘ in them, directed to apply all Ground to be purchased by
 ‘ them for effecting the Improvements they are authorized to
 ‘ make as and for Building Ground and other specific Purposes,
 ‘ it is expedient, with a view to the Improvement of the Pro-
 ‘ perty of the Crown in the Vicinity of the Ground so purchased
 ‘ as aforesaid by the Commissioners of Wide Streets, and to the
 ‘ general Improvement of the said City of *Dublin*, that the said
 ‘ Ground should be purchased and form Part of the Land
 ‘ Revenues of the Crown as after mentioned :’ May it therefore
 please Your Majesty that it may be enacted; and be it enacted
 by the Queen’s most Excellent Majesty, by and with the Advice
 and Consent of the Lords Spiritual and Temporal, and Com-
 mons, in this present Parliament assembled, and by the Autho-
 rity of the same, That it shall be lawful for the Commissioners
 of Wide Streets, mentioned in the said Act passed in the
 Eleventh Year of the Reign of His late Majesty King *George*
 the Fourth, to sell unto Her Majesty, Her Heirs and Successors,
 and for the Commissioners of Her Majesty’s Woods, Forests,
 Land Revenues, Works, and Buildings, with the Consent of the
 Lord High Treasurer, or the Commissioners of Her Majesty’s
 Treasury for the Time being, or any Three of them, to purchase
 on the Behalf of Her Majesty, Her Heirs and Successors, (at a
 Price to be fixed by a Valuation to be made in manner herein-
 after directed,) the Fee Simple and Inheritance of all that Piece
 of Ground herein-before mentioned, and more particularly de-
 scribed in the First Division of the Schedule to this Act annexed
 and the Eleven Dwelling Houses, with the Appurtenances,
 described in the Second Division of the said Schedule, subject
 nevertheless, as to the said Eleven Dwelling Houses, with the
 Appurtenances, and the Site on which the same now stand, to
 such Term of Years or other Interest as is now outstanding
 therein.

Commissioners
 of Wide Streets
 empowered to
 sell, and Com-
 missioners of
 Woods autho-
 rized to pur-
 chase, the
 Ground and
 Premises com-
 prised in the
 Schedule to
 this Act.

Premises when
 purchased to be
 conveyed to
 Her Majesty,
 and to form
 Part of the

II. And be it enacted, That the said Hereditaments, when
 purchased, shall be conveyed to Her Majesty, Her Heirs and
 Successors, as Part of the Possessions and Land Revenues of
 Her Majesty, Her Heirs and Successors, in right of the Crown,
 in all respects as if the same had been purchased under the
 Powers

Powers contained in the said Act of the Tenth Year of the Reign of His late Majesty King *George* the Fourth; and such Conveyance shall be made and executed by the said Commissioners of Wide Streets, or any Three of them, and shall be enrolled in like Manner as is provided with respect to Hereditaments to be purchased in pursuance of the Powers in the said Act of the Tenth Year of the Reign of His late Majesty King *George* the Fourth contained; and the Receipts of any Three of the said Commissioners of Wide Streets shall be good and sufficient Discharges for the Monies to be paid for the Purchase of the said Hereditaments.

Land Revenue
of the Crown.

III. And be it enacted, That the Price to be paid for such Ground and Hereditaments so to be sold by the said Commissioners of Wide Streets as aforesaid shall be ascertained by Two Surveyors, one of whom shall be nominated by the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works and Buildings, and the other by the said Commissioners of Wide Streets, or any Three of them; and if such Two Surveyors shall not agree in the Price to be paid, then by such Third Surveyor as the Two so appointed shall nominate; and such Third Surveyor shall be nominated in Writing by the Two so nominated, before they proceed to the Valuation.

Amount of Purchase Money to be settled by Two Surveyors or their Umpire.

IV. And be it enacted, That for enabling the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings to effect such Purchase as aforesaid, and to defray all Expences relating thereto, and also for the purchasing the Leasehold Interest of any Parties for the Time being entitled to the said Eleven Houses and Buildings as aforesaid, it shall be lawful for the said Commissioners of Her Majesty's Treasury to raise any Sum, not exceeding the Sum of Forty-three thousand Pounds, by Sale of a competent Part of the Sum of Eighty-three thousand eight hundred and fifty-one Pounds Nineteen Shillings and Four-pence Bank Three and a Half *per Centum* Annuities in *Ireland* now standing in the Names of the Commissioners of Her Majesty's Treasury, and which was purchased with Monies which arose from the Sale of certain of the Crown Land Revenues in *Ireland*.

Commissioners of the Treasury to raise Purchase Monies, &c. by Sale of a Portion of the Sum standing in their Names in the 3½ per Cent. Bank Annuities in *Ireland*.

V. And be it enacted, That all Payments to be made by the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings in pursuance of this Act, shall be made by Drafts on the Bank of *Ireland*, in such Manner and Form in all respects as Payments made by them in the Execution of the Powers in them vested by the said Act of the Tenth Year of the Reign of His said late Majesty King *George* the Fourth are thereby authorized to be made.

Payments to be made by the Commissioners of Woods, &c. by Drafts on the Bank of *Ireland*.

VI. And be it enacted, That all the Powers and Provisions contained in the said recited Act of the Tenth Year of the Reign of His late Majesty King *George* the Fourth shall, so far as the same are applicable or can be applied, extend and be construed to extend to this present Act, as fully, amply, and effectually, to all Intents and Purposes whatsoever, as if the

Powers and Provisions of 10 G. 4. c. 50. extended to this Act.

same

same Powers and Provisions were particularly repeated and re-enacted in this present Act.

Public Act.

VII. And be it enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

The SCHEDULE to which this Act refers.

FIRST DIVISION.

All that Piece or Parcel of Ground situate, lying, and being in the City of Dublin, on the North Side of the River Anna Liffey, between West Liffey Street and George the Fourth's Bridge, in front of the Royal Barracks, abutting towards the North on Barrack Street, towards the South on the River Anna Liffey, towards the East on West Liffey Street, and towards the West on George the Fourth's Bridge and the Northern Approach thereto.

SECOND DIVISION.

Description of Premises.	Where situate.
A Dwelling House -	No. 52, on the South Side of Barrack Street.
Ditto - - -	N ^o 53, - Ditto.
Ditto - - -	N ^o 54, - Ditto.
Ditto - - -	N ^o 55, - Ditto.
Ditto - - -	N ^o 56, - Ditto.
Ditto - - -	N ^o 57, - Ditto.
Ditto - - -	N ^o 58, - Ditto.
Ditto - - -	N ^o 59, - Ditto.
Ditto - - -	N ^o 60, - Ditto.
Ditto - - -	N ^o 61, - Ditto.
Ditto - - -	N ^o 62, Ditto (being the Corner House of Barrack Street and West Liffey Street).

CAP. XVII.

An Act to abolish Arrest in personal Actions commenced by Process of Subpœna at the Law Side of the Court of Exchequer in *Ireland*.

[18th May 1841.]

‘ WHEREAS, notwithstanding the Provisions of an Act
 ‘ passed in the last Session of Parliament, intituled *As*
 3&4 Vict. c.105. ‘ *Act for abolishing Arrest on Mesne Process in Civil Actions,*
 ‘ except

' except in certain Cases; for extending the Remedy of Creditors
 ' against the Property of Debtors; and for the further Amendment
 ' of the Law and the better Advancement of Justice, in Ireland,
 ' Doubts are entertained whether Process of Contempt may not
 ' still be executed by Arrest of a Defendant served with a
 ' Subpœna issued out of the Pleas or Common Law Side of the
 ' Court of Exchequer in Ireland, without any Order being made
 ' under the said Act for holding such Defendant to Bail; and
 ' it is expedient to remove such Doubts, and assimilate the
 ' Practice in Actions commenced by such Subpœna to that
 ' directed by the said Act with respect to other Actions: Be
 it therefore enacted by the Queen's most Excellent Majesty,
 by and with the Advice and Consent of the Lords Spiritual
 and Temporal, and Commons, in this present Parliament assem-
 bled, and by the Authority of the same, That from and after
 the Commencement of this Act no Person shall be arrested
 under or by virtue of any Process of Contempt already issued
 or hereafter to be issued against any Defendant or Defendants
 served with such Subpœna for not appearing thereto, but a
 Special Order may be made for holding the Defendant or
 Defendants to Bail in any Action commenced by such Sub-
 pœna, in manner provided by the said Act, and under the
 Authority thereof, in relation to Writs of Capias; and in every
 such Case such Subpœna shall have marked at the Foot thereof,
 or indorsed thereon, the Sum for which such Defendant or
 Defendants shall be ordered to be held to Bail; and the said
 Subpœna shall have subscribed at the Foot thereof the Memo-
 randum and Warning, and shall have indorsed thereon the
 several Indorsements, in the Form in the Schedule (A.) to the
 said Act annexed, and shall bear Date on the Day on which
 the same shall be issued, and be returnable into the said Court
 according to the Practice of the said Court.

Arrest on Com-
 mon Law Sub-
 pœna in Ireland
 abolished; but
 a Special Or-
 der to hold to
 Bail on such
 Subpœna may
 be made in
 certain Cases.

II. And be it enacted, That [this Act may be amended or
 repealed by any Act to be passed in the present Session of
 Parliament.

Act may be
 amended this
 Session.

CAP. XVIII.

An Act to make further Provision for facilitating and
 completing the Distribution and Payment of Com-
 pensation for Slaves upon the Abolition of Slavery.

[18th May 1841.]

' WHEREAS by an Act passed in the Fourth Year of the
 ' Reign of His late Majesty King *William* the Fourth,
 ' intituled *An Act for the Abolition of Slavery throughout the*
 ' *British Colonies, for promoting the Industry of the manumitted*
 ' *Slaves, and for compensating the Persons hitherto entitled to the*
 ' *Services of such Slaves,* the Sum of Twenty Millions Pounds
 ' Sterling was granted for compensating the Persons at that
 ' Time entitled to the Services of the Slaves to be manumitted
 ' and set free, and in pursuance of the said Act certain Commis-
 ' sioners

3 & 4 W. 4. c. 73.

‘ sioners were appointed, by Letters Patent under the Great
 ‘ Seal of the United Kingdom bearing Date the Seventh Day
 ‘ of *October* in the Fourth Year of the Reign of His late Ma-
 ‘ jesty, for the Distribution of the said Compensation Fund,
 ‘ and the Apportionment thereof amongst the several Persons
 ‘ who might prefer Claims thereon: And whereas the said
 ‘ Commissioners having completed the said Apportionment and
 ‘ Distribution, with the Exceptions herein-after stated, and due
 ‘ Notice having been given, in the several Colonies to which
 ‘ the said Act for the Abolition of Slavery extended, that the
 ‘ Proceedings of the said Commissioners would terminate on
 ‘ the Thirty-first Day of *December* last, and it is expedient that
 ‘ the Powers vested in the said Commissioners should terminate
 ‘ and be no further exercised:’ Be it therefore enacted by the
 Queen’s most Excellent Majesty, by and with the Advice and
 Consent of the Lords Spiritual and Temporal, and Commons,
 in this present Parliament assembled, and by the Authority of
 the same, That from and after the passing of this Act the Powers
 and Authorities vested in the said Commissioners by the said
 Act, or by any other Act or Acts relating to the said Compen-
 sation to Persons entitled to the Services of the Slaves thereby
 manumitted and set free, shall wholly and absolutely cease and
 determine so far as regards any further or future Exercise
 thereof by the said Commissioners.

Powers of the
 late Commission
 determined.

The Treasury
 empowered to
 appoint Arbi-
 trators to con-
 sider outstand-
 ing Claims for
 Compensation,
 and certify
 thereon.

II. ‘ And whereas in further pursuance of the said Act
 ‘ Assistant Commissioners were appointed in the Colonies to
 ‘ act in aid and under the Direction of the Commissioners before
 ‘ mentioned: And whereas the said Commissioners had not
 ‘ been enabled to complete the Awards on certain uncontested
 ‘ Claims for Compensation for Slaves, by reason of the necessary
 ‘ Documents and Evidence relating thereto not having been
 ‘ submitted to them previously to the Termination of their
 ‘ Proceedings as above mentioned: And whereas the said
 ‘ Commissioners were also authorized and empowered by the
 ‘ said Act to inquire into and adjudicate upon Claims that
 ‘ might be preferred before them by Persons having or claiming
 ‘ to have any Right, Title, or Interest in or to any Mortgage,
 ‘ Judgment, Charge, Incumbrance, or other Lien upon any
 ‘ Slave or Slaves to be manumitted under the said Act, or upon
 ‘ the Compensation for the Services of such Slave or Slaves,
 ‘ and to make Adjudications and Awards upon any such
 ‘ litigated Claims, in such Manner and Form as should be pre-
 ‘ scribed by certain general Rules to be drawn up and framed,
 ‘ and confirmed and rendered valid in the Manner provided for
 ‘ by the said Act: And whereas an Act was passed in the Fifth
 ‘ and Sixth Years of the Reign of His late Majesty King
 ‘ *William* the Fourth, intituled *An Act to carry into further*
 ‘ *Execution the Provisions of an Act passed in the Third and Fourth*
 ‘ *Years of the Reign of His present Majesty, for compensating*
 ‘ *Owners of Slaves upon the Abolition of Slavery:* And whereas
 ‘ another Act was passed in the Sixth Year of the Reign of His
 ‘ late Majesty King *William* the Fourth, intituled *An Act for*
 ‘ *carrying*

5 & 6 W. 4. c. 45.

6 & 7 W. 4. c. 5.

' carrying into further Execution Two Acts of His present Majesty
 ' relating to the Compensation for Slaves upon the Abolition of
 ' Slavery, and for facilitating the Distribution and Payment of such
 ' Compensation: And whereas another Act was likewise passed
 ' in the Sixth and Seventh Years of the Reign of His late
 ' Majesty King William the Fourth, intituled *An Act to carry* 6 & 7 W. 4. c. 82.
 ' *into further Execution an Act for compensating Owners of Slaves*
 ' *upon the Abolition of Slavery, and for completing the full Pay-*
 ' *ment of such Compensation:* And whereas, in pursuance of the
 ' Provisions of the recited Acts of the Fifth and Sixth and
 ' Sixth and Seventh Years aforesaid respectively, various Sums
 ' awarded by the said Commissioners under the said recited Act
 ' of the Third and Fourth Years aforesaid, which were subject
 ' to Claim preferred before the Commissioners as aforesaid or
 ' to Litigation in the Courts of the several Colonies, have been
 ' paid over to the Accountant General of the Court of Chan-
 ' cery, and have been invested by him in the Three Pounds
 ' *per Centum* Consolidated Bank Annuities, or have been trans-
 ' ferred to the Name of the said Accountant General in equi-
 ' valent Amounts of Three Pounds Ten Shillings *per Centum*
 ' Reduced Annuities: And whereas certain of the said Claims
 ' preferred before the said Commissioners were pending and
 ' unadjudicated upon at the Period of the Termination of their
 ' Proceedings as aforesaid, and certain Amounts of the said
 ' Three Pounds *per Centum* Consolidated Bank Annuities, or
 ' of the said Three Pounds Ten Shillings *per Centum* Reduced
 ' Annuities, arising from the Investments or Transfers as afore-
 ' said in respect of the said Claims, and from the Dividends
 ' that have accrued thereon, are still standing in the Name of
 ' the said Accountant General in the Books of the Bank of
 ' *England:* And whereas it is expedient that Provision should
 ' be made for the Completion and Issue of the said Awards of
 ' Compensation for Slaves, and likewise for adjudicating and
 ' deciding upon the Claims to Right, Title, or Interest to or in
 ' the Compensation for any manumitted Slave or Slaves pending
 ' and unadjudicated upon as aforesaid, or which may hereafter
 ' arise or be preferred; be it therefore enacted, That the Com-
 ' missioners of Her Majesty's Treasury of the United Kingdom
 ' of *Great Britain and Ireland,* or any Three or more of them may
 ' by Warrant under their Hands, appoint One or more Arbi-
 ' trator or Arbitrators to consider such Reports, Documents, or
 ' Evidence relating to the unsettled Awards of Compensation for
 ' Slaves as have been or may be received from the aforesaid Assis-
 ' tant Commissioners in the Colonies, or as may be otherwise
 ' preferred relating thereto, and to certify to the said Commis-
 ' sioners of Her Majesty's Treasury the Amount of Compensation
 ' due in each Case; and likewise to consider any such Claim
 ' or Claims of Persons claiming to have Right, Title, Interest, or
 ' Lien to, in, or upon the Compensation for the Services of any
 ' Slave or Slaves which may have remained pending or unadjudi-
 ' cated upon at the Termination of the Proceedings of the said
 ' Commissioners as aforesaid, or which may hereafter be referred
 ' to

to him or them by the said Commissioners of Her Majesty's Treasury, and to certify to the said Accountant General of the Court of Chancery the Name or Names of the Party or Parties who may appear to be entitled to such Compensation, or to the Interest and Dividends that have accumulated thereon, or to any Portion or Portions thereof, in like Manner as the Commissioners under the first-recited Act of the Third and Fourth Years aforesaid have heretofore done.

Upon Receipt of Certificate of the Treasury may authorize the National Debt Commissioners and Accountant General in Chancery to make Payments, &c.

III. And be it enacted, That the said Commissioners of Her Majesty's Treasury may, upon the Receipt of such Certificate of the said Arbitrator or Arbitrators as aforesaid, relating to such uncontested Compensation to Proprietors of Slaves as aforesaid, issue their Warrant or Warrants to the Commissioners for the Reduction of the National Debt, authorizing and directing them to pay, discharge, and satisfy the Sums awarded and assigned by the said Arbitrators, with the Interest that may have accrued thereon, in the same Manner as if the said Awards had been made and certified by the Commissioners under the first-recited Act of the Third and Fourth Years referred to; and the Accountant General of the Court of Chancery may, upon the Receipt of such Certificate of Adjudication and Award of the said Arbitrator or Arbitrators in respect of such litigated Claims as aforesaid, transfer or pay over all such Stock in the Three Pounds *per Centum* Consolidated Bank Annuities, or in the Three Pounds Ten Shillings *per Centum* Reduced Annuities, as may be standing in his Name in the Books of the Bank of *England* on account or to the Credit of the Claim or Claims to which such Adjudication and Award may relate, or the Proceeds of the Sale thereof, in like Manner as if such Adjudication and Award had been made and certified by the Commissioners under the first-recited Act of the Third and Fourth Years aforesaid.

Power for Lords of the Treasury to award or adjudicate without appointing an Arbitrator.

IV. Provided always, and be it enacted, That the Commissioners of Her Majesty's Treasury, or any Three or more of them, in case they shall see fit, may, upon the Receipt of such Reports, Documents, or Evidence relating to unsettled Awards of Compensation to Proprietors of Slaves as aforesaid, determine award, and assign the Amount of the Compensation due to the respective Claimants, and likewise make final Adjudications or Awards upon any such Claim or Claims as aforesaid to Right, Title, or Interest to or in the Compensation for the Services of any Slave or Slaves, without referring the same to any such Arbitrator or Arbitrators, and may thereupon issue their Warrant or Warrants to the said Commissioners for the Reduction of the National Debt, to pay the Sums awarded and assigned, or certify to the said Accountant General of the Court of Chancery their Adjudications or Awards relating to any Stock standing in his Name in the Books of the Bank of *England* on account and to the Credit of any such Claim or Claims as aforesaid; and the said Accountant General of the Court of Chancery shall thereupon transfer or pay over the said Stock or the Proceeds thereof in conformity with the said Adjudication and Award, in like Manner as if the same had been made and certified by the said

Commissioners under the first-recited Act of the Third and Fourth Years aforesaid, or by the Arbitrator or Arbitrators herein-before mentioned.

V. Provided always, and be it enacted, That the said Arbitrator or Arbitrators and the said Commissioners of Her Majesty's Treasury, in all Acts, Matters, and Proceedings relating to the said Awards of Compensation, or the said Adjudication on litigated Claims thereto, shall respectively observe and conform to the general Rules aforesaid; and the said Awards and Adjudications of the said Commissioners of Her Majesty's Treasury, or of the said Arbitrator or Arbitrators, shall have like Force, Effect, and Validity, and shall be subject to all the like Provisions, Rules, and Regulations, as regards Appeal to Her Majesty in Council or otherwise, as if they had been made and certified by the said Commissioners under the first-recited Act of the Third and Fourth Years of the Reign of His late Majesty: Provided also, that the said Commissioners of Her Majesty's Treasury, or any Three or more of them, or the said Arbitrator or Arbitrators so to be appointed as aforesaid, may exercise the like Powers and Authority, and do, order, and direct all Acts, Matters, and Things regarding such Compensation as aforesaid, so far as may be necessary for the Purposes of this present Act, as fully and effectually as the same could have been exercised or done by the said Commissioners before the passing of this Act.

VI. ' And whereas the said Commissioners, under the said recited Act of the Third and Fourth Years of the Reign of His late Majesty, did set apart and reserve, out of the Amount of the Compensation apportioned for each of the several Colonies specified in the said Act, certain Sums, amounting in all to Fifty-one thousand seven hundred and sixty-five Pounds, to meet any Claims for Compensation that might incidentally arise or be preferred in respect of Slaves who had not been enumerated in the Returns upon which the said Apportionment was made: And whereas some Portion of the Sums so reserved may not be claimed or required for the said Purpose, and it is expedient that any such Surplus should be disposed of in such Manner as may be beneficial to the Parties in the respective Colonies for whose Compensation and Benefit the said Sum of Twenty Millions Pounds was granted;' be it therefore enacted, That, after the Completion of the Awards on Claims for Compensation now outstanding, the Commissioners of Her Majesty's Treasury may, with the Consent and Approval of Her Majesty's Secretary of State having Charge of the Affairs of the Colonies, authorize the Issue and Application, in aid of the Funds of any Charitable Institution or of Establishments for Education maintained at the Public Charge within any Colony, of the Amount of any such Surplus of the Sum reserved out of the Compensation apportioned for such Colony as may remain unappropriated as above mentioned, and by Warrant under the Hands of any Three or more of them direct the Payment, by the Commissioners for the Reduction of the National Debt, of the Sum or Sums so to be issued and applied,

Rules of the late Commissioners to be conformed to.

Awards of the Treasury to be valid, and subject to Appeal.

Surplus of Reserved Fund how to be disposed of.

to

to such Person or Persons as they may see fit to appoint; and the Commissioners of the National Debt, upon the Receipt of such Warrant, may pay and discharge the Amount thereof, either out of Monies standing to the Credit of their *West India* Compensation Account at the Bank of *England*, or by the Sale or Transfer of any Portion of the Three Pounds Ten Shillings *per Centum* Reduced Annuities, created in pursuance of the before-recited Acts of the Fifth and Sixth and Sixth and Seventh Years of the Reign of His late Majesty, in the same Manner as they are empowered to pay and discharge the Awards of Compensation for the Services of Slaves.

Further Allowances to Claimants for Interest or Dividends to cease.

VII. ' And whereas it is expedient that Provision should be made for the final Settlement and Determination, within a given Period, of all Claims to Compensation for the Services of Slaves; ' be it therefore enacted, That from and after the Fifth Day of *April* last past all further Allowance of Interest or Dividends to the Claimants for any Compensation that may have remained unawarded by the said Commissioners, or unissued by the Commissioners for the Reduction of the National Debt, or for and upon any Three Pounds Ten Shillings *per Centum* Reduced Annuities to be paid and transferred in satisfaction thereof, shall cease and be discontinued; and also, that from and after the passing of this Act all further Additions or Augmentations from Dividends or Interest to any Sums in the Three Pounds *per Centum* Consolidated Bank Annuities or Three Pounds Ten Shillings *per Centum* Reduced Annuities standing in the Name of the Accountant General of the Court of Chancery in the Books of the Governor and Company of the Bank of *England*, on account of Compensation which has been the Subject of Litigation before the said Commissioners or in the Colonial Courts, shall likewise cease and be discontinued.

Treasury may apply Interest or Dividends to defray Expenses.

VIII. Provided always, and be it enacted, That the Commissioners of Her Majesty's Treasury, or any Three or more of them, may apply or cause to be applied any Interest or Dividends that may have accrued, or shall hereafter accrue, on the said Sum of Twenty Millions granted for Compensation to Proprietors of Slaves, or on any Part thereof, or on the Three Pounds Ten Shillings *per Centum* Reduced Annuities or Three Pounds *per Centum* Consolidated Annuities, created or purchased in respect thereof, and which shall remain unissued to the Claimants for the said Compensation, for the Payment of Expenses relating to the Apportionment and Distribution thereof, and for that Purpose, by Warrant under their Hands, may order and direct the said Commissioners for the Reduction of the National Debt, or the said Accountant General of the Court of Chancery, to retain and set apart out of any such Interest or Dividends such Sum or Sums as they may deem necessary, in addition to the Sum which was retained and set apart in pursuance of the Provisions of the Act of the Fifth and Sixth Years of the Reign of His late Majesty before recited; and the Sum or Sums so retained or set apart shall be paid and transferred

transferred by the said Commissioners for the Reduction of the National Debt, or by the said Accountant General of the Court of Chancery, in such Manner and to such Party or Parties as the said Commissioners of Her Majesty's Treasury, or any Three or more of them, shall direct.

IX. And be it enacted, That from and after the Thirty-first Day of *December* One thousand eight hundred and forty-two all such Principal Sums of Money as shall then be and remain to the Credit of the Account of the Commissioners for the Reduction of the National Debt at the Bank of *England* under the Title of the "*West India Compensation Account*," pursuant to the Provisions of the said before-recited Act, and all such Principal Sums of Three Pounds Ten Shillings *per Centum* Reduced Annuities written in and placed to the Credit of the Commissioners for the Reduction of the National Debt in the Books of the Bank of *England* under the Title of "*The Compensation Account of the Colony of Barbadoes*," pursuant to the Provisions of the said recited Act of the Fifth and Sixth Years of His late Majesty, as shall then remain to the Credit of the said Commissioners, and likewise all such Principal Sums of Three Pounds Ten Shillings *per Centum* Reduced Annuities written in and placed to the Credit of the said Commissioners for the Reduction of the National Debt in the Books of the said Bank of *England* under the Title of "*The Slave Compensation Account*," pursuant to the Provisions of the said recited Act of the Sixth and Seventh Years of the Reign of His late Majesty, as shall then remain to the Credit of the said Commissioners, together with all Interest or Dividends that may have become due or payable in respect of the said Principal Sums of Money or Stock, and which shall not have been issued or applied as herein-before provided for, shall revert to the Public; and from and after the said Thirty-first Day of *December* One thousand eight hundred and forty-two the Commissioners of Her Majesty's Treasury, or any Three or more of them, for the Time being, may, by Warrant under their Hands, order and direct the said Commissioners for the Reduction of the National Debt to pay and transfer any Sum or Sums remaining to the Credit of the *West India Compensation Account* into the Receipt of Her Majesty's Exchequer, to be carried to and form Part of the Income of the Consolidated Fund, and may likewise order and direct the Governor and Company of the Bank of *England* and the said Commissioners for the Reduction of the National Debt respectively to cancel all such Principal Sums of Three Pounds Ten Shillings *per Centum* Reduced Annuities as aforesaid, and to pay into the Receipt of Her Majesty's Exchequer the Dividends that shall have accrued thereon (so far as the same shall not have been issued and applied as aforesaid), in the Manner provided for by the said recited Act of the Sixth and Seventh Years of the Reign of His late Majesty with respect to such Portions of the said Annuities as might be left standing in the

Money remain-
ing to be repaid
to the Consoli-
dated Fund;
Stock to be
cancelled.

Names of the said Commissioners for the Reduction of the National Debt after satisfying the several Claims for Slave Compensation in the Colonies.

Transfer to the Public of all Stocks, &c. remaining unappropriated.

X. And be it enacted, That from and after the Thirty-first Day of *December* One thousand eight hundred and forty-five all such Principal Sums of Three Pounds *per Centum* Consolidated Bank Annuities or Three Pounds Ten Shillings *per Centum* Reduced Annuities invested by or transferred to the Accountant General of the Court of Chancery, in pursuance of the Provisions of the said recited Acts of the Fifth and Sixth and Sixth and Seventh Years of the Reign of His late Majesty, with the Accumulations that have accrued from the Investment of Dividends thereon, as shall thus be and remain in the Name and to the Credit of the said Accountant General on his several Accounts in the Books of the Bank of *England*, as provided for by the said Acts, and which shall not be the Subject of Claims or Proceedings still pending before the Courts of Judicature in the Colonies, or before any Court or Courts of Judicature or of Appeal in the United Kingdom, shall in like Manner revert to the Public, together with such Interest or Dividends thereon as may not have been issued or applied as herein-before provided; and from and after the said Thirty-first Day of *December* One thousand eight hundred and forty-five the Commissioners of Her Majesty's Treasury, or any Three or more of them, may, by Warrant under their Hands, direct and require the said Accountant General of the Court of Chancery to transfer to the Commissioners for the Reduction of the National Debt in the Books of the said Bank of *England* all such Principal Sums of Three Pounds *per Centum* Consolidated Annuities and Three Pounds Ten Shillings *per Centum* Reduced Annuities as shall then be and remain in the Name and to the Credit of the said Accountant General on his several Accounts in the Books of the said Bank, under the Provisions of the said recited Acts of the Fifth and Sixth and Sixth and Seventh Years of the Reign of His late Majesty, and as shall not be the Subject of Claims and Proceedings pending as aforesaid; and thereupon the Commissioners of Her Majesty's Treasury, or any Three or more of them, may order and direct the Governor and Company of the Bank of *England* and the said Commissioners for the Reduction of the National Debt respectively to cancel all such Principal Sums of Three Pounds *per Centum* Consolidated Annuities and of Three Pounds Ten Shillings *per Centum* Reduced Annuities, and to pay into the Receipt of Her Majesty's Exchequer any Dividends accrued thereon, which shall not have been invested or otherwise issued or applied by the said Accountant General previously to such Transfer as above mentioned, in the same Manner as is provided for in the said recited Act of the Sixth and Seventh Years of the Reign of His late Majesty with respect to the Portion of the said Three Pounds Ten Shillings *per Centum* Reduced Annuities therein referred to.

XI. And

XI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament. Act may be amended this Session.

CAP. XIX.

An Act for raising the Sum of Eleven Millions by Exchequer Bills, for the Service of the Year One thousand eight hundred and forty-one.

[18th May 1841.]

‘ Most Gracious Sovereign,
 ‘ WE, Your Majesty’s most dutiful and loyal Subjects, the
 ‘ Commons of the United Kingdom of *Great Britain* and
 ‘ *Ireland*, in Parliament assembled, towards raising the neces-
 ‘ sary Supplies which we have cheerfully granted to Your
 ‘ Majesty in this Session of Parliament, have resolved to give
 ‘ and grant unto Your Majesty the Sum herein-after men-
 ‘ tioned;’ and do therefore most humbly beseech Your Majesty
 that it may be enacted; and be it enacted by the Queen’s most
 Excellent Majesty, by and with the Advice and Consent of the
 Lords Spiritual and Temporal, and Commons, in this present
 Parliament assembled, and by the Authority of the same, That
 it shall be lawful for the Commissioners of Her Majesty’s Treas-
 ury of the United Kingdom of *Great Britain* and *Ireland*
 at any Time or Times to cause or direct any Number of
 Exchequer Bills to be made out at the Receipt of the Exchequer
 at *Westminster* for any Sum or Sums of Money not exceeding in
 the whole the Sum of Eleven Millions, in the same or like
 Manner, Form, and Order, and according to the same or like
 Rules and Directions, as are prescribed in an Act passed in the
 Forty-eighth Year of the Reign of His Majesty King *George*
 the Third, intituled *An Act for regulating the Issue and paying*
off of Exchequer Bills.

The Treasury
 may raise
 11,000,000*l.*
 by Exchequer
 Bills, in like
 Manner as is
 prescribed by
 48 G. 3. c. 1.

II. And be it enacted, That all and every the Clauses, Provisoos, Powers, Privileges, Advantages, Penalties, Forfeitures, and Disabilities contained in the said Act shall be applied and extended to the Exchequer Bills to be made out in pursuance of this Act, as fully and effectually, to all Intents and Purposes, as if the said several Clauses or Provisoos had been particularly repeated and re-enacted in the Body of this Act.

The Clauses,
 &c. in recited
 Act extended
 to this Act.

III. And be it enacted, That it shall be lawful for the said Commissioners of the Treasury to issue and apply from Time to Time all such Sums of Money as shall be raised by Exchequer Bills to be made out in pursuance of this Act to such Services as shall then have been voted by the Commons of the United Kingdom of *Great Britain* and *Ireland* in this present Session of Parliament.

The Treasury
 to apply the
 Money raised.

IV. And be it enacted, That the Principal Sum or Sums of Money to be contained in such Exchequer Bills shall be and are hereby charged and chargeable upon and shall be paid

Bills to be
 payable out of
 Supplies of the
 next Session.

and discharged by and out of any Supplies to be granted in the next Session of Parliament.

Interest on Exchequer Bills.

V. And be it enacted, That the Exchequer Bills to be made out in pursuance of this Act shall bear Date on the Days on which the same shall be respectively issued, and shall and may bear an Interest not exceeding the Rate of Three-pence Halfpenny *per Centum per Diem* upon or in respect of the whole of the Monies respectively contained therein payable out of any Aids or Supplies in the Receipt of Her Majesty's Exchequer at *Westminster*.

Bills to be current at the Exchequer after Twelve Calendar Months from their Dates.

VI. And be it enacted, That all and every the Exchequer Bills to be made forth by virtue of this Act, or so many of them as shall from Time to Time remain undischarged and uncancelled, shall and may, from and after Twelve Calendar Months from their respective Dates, be received and taken and shall pass and be current to all and every the Receivers and Collectors in *Great Britain* of the Customs, Excise, or any Revenue, Supply, Aid, or Tax whatsoever, already granted, due, or payable, or which shall or may hereafter be granted, due, or payable, to Her Majesty, Her Heirs and Successors, and also at the Bank of *England* to the Account of Her Majesty's Exchequer from the said Receivers or Collectors, or from any other Person or Persons, Bodies Politic or Corporate whatsoever, making any Payment there to Her Majesty, Her Heirs and Successors, for or upon any Account, Cause, or Occasion whatsoever, according to the Purport and true Meaning of this Act.

Bank of England may advance 11,000,000*l.* on the Credit of this Act, notwithstanding 5 & 6 W. & M. c. 20.

VII. And be it declared and enacted, That it shall and may be lawful for the Governor and Company of the Bank of *England* to advance or lend to Her Majesty, upon the Credit of the Exchequer Bills to be made out in pursuance of this Act, any Sum or Sums of Money not exceeding in the whole the Sum of Eleven Millions, any thing in an Act passed in the Fifth and Sixth Years of the Reign of King *William* and Queen *Mary*, intituled *An Act for granting to Their Majesties several Rates and Duties upon Tonnage of Ships and Vessels, and upon Beer, Ale, and other Liquors; and for securing certain Recompences and Advantages in the said Act mentioned to such Persons as shall voluntarily advance the Sum of One million five hundred thousand Pounds towards carrying on the War against France, or in any subsequent Act, to the contrary thereof in anywise notwithstanding.*

CAP. XX.

An Act to alter and amend certain Laws relating to the Collection and Management of the Duties of Excise. [18th May 1841.]

7 & 8 G. 4. c. 53

‘ WHEREAS an Act was passed in the Eighth Year of the
 ‘ Reign of His late Majesty King *George* the Fourth,
 ‘ intituled *An Act to consolidate and amend the Laws relating to*
 ‘ *the Collection and Management of the Revenue of Excise throughout*
 ‘ *Great Britain and Ireland*; And whereas an Act was passed
 ‘ in

‘ in the Fifth Year of the Reign of His late Majesty King
 ‘ *William* the Fourth, intituled *An Act to amend the Laws relating*
 ‘ *to the Collection and Management of the Revenue of Excise :*
 ‘ And whereas the said Acts require to be altered and amended ;’
 be it therefore enacted by the Queen’s most Excellent Majesty,
 by and with the Advice and Consent of the Lords Spiritual
 and Temporal, and Commons, in this present Parliament
 assembled, and by the Authority of the same, That the Com-
 missioners of Excise shall not be compellable to appoint any
 Office of Excise to be held and kept in any Town for or by
 reason of a weekly or other Market having been established in
 such Town, by Authority of Parliament or otherwise, since the
 passing of the said recited Act of the Eighth Year of the Reign
 of His said Majesty King *George* the Fourth; and no Town
 shall be deemed or taken to be a Market Town, at which
 Duties of Excise are to be received, or out of or beyond which
 Persons are not to be compelled to travel for Payment of such
 Duties, other than such as were Market Towns at the Time of
 the passing of the said recited Act: Provided always, that it
 shall be lawful for the Commissioners of Excise to appoint an
 Excise Office, to be held and kept, and Duties of Excise to be
 collected and received, in any other Town or Place, as well
 within the Limits of the Chief Office of Excise as elsewhere, if
 they shall see fit.

II. And be it enacted, That any Survey, Inspection, Charge,
 Return, or Demand, directed by any Act or Acts relating to
 the Revenue of Excise to be made, or any Act or Matter so
 directed or required to be done by any Surveyor or General
 Surveyor of Excise within the Limits of the Chief Office of
 Excise, may be made or done by any Collector or Supervisor
 of Excise within the said Limits; and every Collector, Super-
 visor, and other Officer appointed within the said Limits shall
 have and exercise (subject to the Orders and Directions of the
 Commissioners of Excise) all the same Powers and Authorities
 in charging, collecting, receiving, paying, and securing the
 Revenue of Excise within the said Limits as are given to and
 are exercised by any Collector, Supervisor, or Officer of Excise
 elsewhere.

III. ‘ And whereas by the said recited Act of the Eighth
 ‘ Year of the Reign of His said late Majesty King *George* the
 ‘ Fourth, the Commissioners of Excise are authorized and
 ‘ required to appoint Collectors and other Officers, and Accom-
 ‘ plicants, Clerks, and Assistants for collecting, receiving, manag-
 ‘ ing, and accounting for the Revenue of Excise, taking, in
 ‘ the Name of His Majesty, from them and every of them,
 ‘ sufficient Security for the due Performance of the respective
 ‘ Duties committed to their Charge;’ be it enacted, That the
 Commissioners of Excise shall not be required or obliged to
 take (if they shall see fit not to call for the same) any Bond or
 other Security for the due or faithful Discharge of his Duty
 from any Officer, Accomptant, Clerk, or Assistant appointed by
 them, who shall not, or by virtue of his Office, be authorized or

4 & 5 W. 4. c. 51.

None but such
 as were Market
 Towns at the
 Time of passing
 of 7 & 8 G. 4.
 c. 53. to be
 Market Towns
 within that Act.

Proviso.

Acts required
 to be done by
 Surveyors or
 General Sur-
 veyors within
 the Limits of
 the chief Office
 of Excise may
 be done by
 Collectors or
 Supervisors.

Bonds not to
 be required
 from Officers
 who do not
 collect or re-
 ceive Money.

empowered to collect or receive any Duty or Duties of Excise, or to take or have in his Custody or Possession, or pay, any Money or Monies arising out of the said Duties, or belonging to Her Majesty, any thing in the said recited Act to the contrary notwithstanding.

Keepers of Excise Offices declared not to be Officers of Excise.

IV. ' And whereas Doubts have been raised whether the ' Keeper of an Excise Office is an Officer of Excise within ' the Meaning of the said recited Acts;' be it declared and enacted, That no Person appointed by the Commissioners of Excise, under the Powers and Authorities of the said recited Act of the Eighth Year of the Reign of His said Majesty King *George* the Fourth or of this Act, to hold and keep an Office of Excise, shall, on account or by reason of such Appointment, be deemed or taken to be an Officer of Excise, nor shall as such be subject to any of the Restrictions or entitled to any of the Exemptions to which Officers of Excise are, under the said Acts recited in the Preamble of this Act, or either of them, or under any other Act or Acts, subject or entitled.

All Vessels, &c. not duly entered, and all Goods found in unentered Premises, declared forfeited.

V. ' And whereas Doubts have arisen whether Goods found ' in unentered Places or Premises have in some Instances been ' thereby forfeited;' be it declared and enacted, That all Stills, Backs, Vats, Coppers, Presses, Machines, and Vessels and Utensils, of which Entry is by any Law or Laws of Excise required to be made, and which shall not be duly and lawfully entered, and all Goods and Commodities found in any such unentered Still, Back, Vat, Copper, Press, Machine, or Vessel or Utensil, or in any House, Warehouse, Storehouse, Room, or Place required to be entered, and not duly and lawfully entered shall be forfeited.

Managers or Directors of Joint Stock Companies or Corporations to make Entry on behalf of the Company.

VI. And be it enacted, That where any Trade or Business, in respect of which an Entry is by any Law or Laws of Excise required to be made with the Officers of Excise, is carried on by any Joint Stock Company or Corporation, such Entry of the Buildings, Places, and Vessels and Utensils, shall be made and signed by the Directors or Managers or Committee of such Joint Stock Company or Corporation, or if the Number shall exceed Four, then by Four at least of such Directors or Managers or Committee, for and on behalf of the Company or Corporation; and no Entry by any Clerk or Servant, or by any less Number of Directors or Managers or Committee, where they shall exceed Four, shall be a legal Entry; and the Directors or Managers or Committee signing such Entry shall, as regards the Revenue of Excise, be deemed and taken to be the real Owners of the Trade or Business, and as such shall be jointly and severally liable to all Duties of Excise charged and to all Penalties and Forfeitures incurred in respect of such Trade or Business.

Married Women whose Husbands may become insane or incapable of transacting their own Affairs, or

VII. And be it enacted, That it shall be lawful for any Married Woman whose Husband shall become insane or idiot, or be otherwise rendered incapable of transacting his Affairs, or whose Husband shall be separated from her and be out of the Limits of the United Kingdom, to make Entry, with the Con-
sent

sent and Approbation of the Commissioners of Excise, of any Building, Place, Vessel, or Utensil, for the carrying on of any Trade or Business in respect of which any Entry is required by any Law or Laws relating to the Revenue of Excise; and every Married Woman so making Entry shall be subject and liable to all Duties, Penalties, and Forfeitures imposed by any Act relating to the Revenue of Excise, and to the Trade or Business in respect of which such Entry shall be made; and any Bond required by any Act or Acts relating to the Revenue of Excise, which shall be entered into by any such Married Woman, shall be good, valid, and effectual, notwithstanding her Coverture, as if she was sole and unmarried: Provided always, that it shall not be necessary or required, on the Trial or Hearing of any Information or Proceeding against any such Married Woman for the Recovery of any Duty or Penalty or Forfeiture, or upon any such Bond, to prove or give Evidence of the Insanity, Idiocy, or Incapacity of or Separation from or Absence of the Husband.

who may be separated from them and out of the Kingdom, may, with Consent of the Commissioners of Excise, make Entry of Premises.

VIII. And be it enacted, That so much of the said recited Act of the Eighth Year of the Reign of His said late Majesty King *George the Fourth* as enacts "that the Commissioners of Excise shall daily pay or cause to be paid into the Hands of the Receiver General of Excise in *England*, or in such other Manner as the Lord High Treasurer, or any Three or more of the Commissioners of the Treasury, shall from Time to Time direct, order, or appoint, all Money, and shall endorse and deliver over or transfer to such Receiver General, or in such other Manner as aforesaid, all Bills of Exchange, Promissory Notes, Drafts, Checks, or Orders for the Payment of Money which shall from Time to Time be collected or received by or paid or transmitted to such Commissioners, for or on account of the Duties or Revenue of Excise (except only the necessary Charges paid of collecting, receiving, levying, managing, paying, and accounting for the same, and all other Payments legally made thereout); and if any Commissioner of Excise shall fraudulently or knowingly and wilfully detain or misapply any Money, Bill of Exchange, Promissory Note, Draft, Check, or Order for the Payment of Money as aforesaid, or any Part thereof, or any Security for Money, every such Commissioner so offending shall forfeit his Office, and shall be rendered incapable of serving His Majesty, His Heirs or Successors, in any Office or Place of Profit or Trust whatsoever, and shall also forfeit and lose Treble the Amount of every Sum of Money, Bill, Note, Draft, Check, or Order for the Payment of Money, or Security for Money, so detained or misapplied as aforesaid," shall be and the same is hereby repealed.

Repeal of
7 & 8 G. 4. c. 53.
s. 47.

IX. And be it enacted, That so much of the said recited Act of the Eighth Year of the Reign of His said late Majesty King *George the Fourth* as enacts "that it shall be lawful for the Lord High Treasurer, or any Three or more of the Commissioners of the Treasury, from Time to Time, under his Hand and Seal or under their Hands and Seals, to appoint a Comp-

Repeal of
7 & 8 G. 4. c. 53.
s. 49.

troller and an Auditor for the United Kingdom on behalf of His Majesty, His Heirs and Successors, for the Purpose of comptrolling and auditing respectively all Accounts of and belonging to the Revenue of Excise, with such Salaries respectively, payable by the Commissioners of Excise out of the Revenue of Excise, as the Lord High Treasurer, or any Three or more of the Commissioners of the Treasury, may in that Behalf order and direct; and that such Comptroller and Auditor respectively shall in all respects be subject to such Rules, Orders, Regulations, and Directions as the Lord High Treasurer, or any Three or more of the Commissioners of the Treasury, shall from Time to Time make or prescribe, and transmit to the said Comptroller and Auditor respectively, for their Direction and Guidance in their respective Offices," shall be and the same is hereby repealed.

Repeal of
7 & 8 G. 4. c. 53.
s. 50.

X. And be it enacted, That so much of the said recited Act of the Eighth Year of the Reign of His said late Majesty King *George* the Fourth as enacts "that all Money, Bills, Notes, Drafts, Checks, or Orders for Payment of Money, received by or coming into the Hands of the Receiver General of Excise on account of the Revenue of Excise (except as is herein-after excepted), shall be paid by him into the Hands of the Governor and Company of the Bank of *England*, that is to say, all Money, Notes, Drafts, Checks, and Orders, either on the same Day or on the Day next after the same shall have been received, and all Bills on the Day on which the same, having been first duly accepted, shall have been endorsed by the Commissioners of Excise, or any Two of them, for which Money, Bills, Notes, Drafts, Checks, and Orders the Entry in the Books herein-after mentioned shall be a sufficient Discharge; and all such Money, Bills, Notes, Drafts, Checks, and Orders, so to be paid to the Governor and Company of the Bank of *England*, shall be placed to an Account to be raised in the Books of the said Governor and Company, and to be intituled 'The Account of the Public Monies of the Receiver General of Excise,' inserting the Name of such Receiver General for the Time being," shall be and the same is hereby repealed.

Repeal of
7 & 8 G. 4. c. 53.
s. 51.

XI. And be it enacted, That so much of the said recited Act of the Eighth Year of the Reign of His said late Majesty King *George* the Fourth as provides and enacts "that it shall be lawful for such Receiver General to retain and keep in his own Hands at the Close of each Day, for the Payment of casual and ordinary and daily Demands, out of the Money so received by him as such Receiver General, any Sum not exceeding Thirty thousand Pounds, or such further Sum not exceeding Fifty thousand Pounds, over and above the said Thirty thousand Pounds, as shall be directed or authorized by the Commissioners of Excise to be retained by such Receiver General, or such further Sum of Money as shall or may from Time to Time, by a Permission in Writing under the Hand or Hands of the Lord High Treasurer, or of any Three or more of the Commissioners of the Treasury, be allowed to be retained

retained by such Receiver General," shall be and the same is hereby repealed.

XII. And be it enacted, That so much of the said recited Act of the Eighth Year of the Reign of His said late Majesty King *George* the Fourth as enacts "that the Governor and Company of the Bank of *England*, or some Person duly authorized on their Behalf, shall daily, upon receiving any Money, Bill, Note, Draft, Check, or Order from the Receiver General, make an Entry of the Money, and of every Bill, Note, Draft, Check, and Order so received, in a Book to be provided by the said Governor and Company, with the Approbation of the Lord High Treasurer or Commissioners of the Treasury, and sent for that Purpose by such Receiver General; and such Book shall be forthwith, after the making of such Entry, re-delivered to the Persons making such Payment, and shall be inspected daily after its Return by the Excise Comptroller of the Cash or his Clerk (such Clerk being first duly authorized by such Comptroller, and for whose Conduct therein he shall be answerable), who shall compare the same with the Book kept by such Comptroller of the Cash, for the Purpose of seeing that the Receiver General constantly pays into the Bank all the Money, Bills, Notes, Drafts, Checks, and Orders which he is required to do under the Provisions of this Act; and any Default which such Comptroller of the Cash or his Clerk (duly authorized as aforesaid) may discover in that Behalf shall, by such Comptroller of the Cash, be immediately reported to the Commissioners of Excise," shall be and the same is hereby repealed.

Repeal of
7 & 8 G. 4. c. 53.
s. 52.

XIII. And be it enacted, That so much of the said recited Act of the Eighth Year of the Reign of His said late Majesty King *George* the Fourth as enacts "that the Receiver General of Excise shall pay or cause to be paid, into the Receipt of the Exchequer at *Westminster*, all Money placed to the Account of the Receiver General as aforesaid in the Bank of *England*, on such Days in every Week respectively as the Lord High Treasurer, or any Three or more of the Commissioners of the Treasury, shall from Time to Time direct, order, or appoint, and in such Manner as herein-after mentioned; that is to say, the said Receiver General or his Clerk (duly authorized by him for that Purpose, and for whose Conduct therein he shall be answerable,) shall make an Order upon the Governor and Company of the Bank of *England*, which Order shall be countersigned by the Excise Comptroller of the Cash, to write off from his Account the Sum desired; and the said Governor and Company, or some Person duly authorized on their Behalf, shall thereupon write off such Sum, and deliver a Note, drawn (and which, for greater Security, shall be cancelled) in such Manner and Form as shall be approved of by the Lord High Treasurer or Commissioners of the Treasury, for the Amount, to the said Receiver General or his Clerk, who shall pay the same into the Exchequer; and the Bank Clerks attending there shall receive such Note as Cash to the Amount thereof; and it shall not be lawful

Repeal of
7 & 8 G. 4. c. 53.
s. 53.

lawful for the Governor and Company of the Bank of *England* to pay or transfer from the Account of the Receiver General any Part of the Money so deposited and placed to such Account otherwise than into the Exchequer in manner aforesaid, or to deliver any Bill of Exchange, Promissory Note, Draft, Check, or Order for the Payment of Money, save and except to His Majesty's Solicitor of Excise in *England*, or his Clerk, upon his Application for the same, countersigned by the said Receiver General or his Clerk, and such Comptroller of the Cash or his Clerk, for the sole Purpose of prosecuting an Extent for the Recovery of the Money for which any such Bill of Exchange, Promissory Note, Draft, Check, or Order for the Payment of Money shall have been given; and in such Case the Commissioners of Excise shall be immediately acquainted therewith, if sitting, by such Solicitor, Receiver General, and Comptroller of the Cash, or if not sitting, then at the Time of their next assembling; and such Delivery shall be entered at the Bank in the Bank Book of the Receiver General, to be kept as is hereinbefore directed," shall be and the same is hereby repealed.

Lords of the Treasury to appoint a Comptroller and Auditor of Excise.

XIV. And be it enacted, That it shall be lawful for the Lord High Treasurer, or any Three or more of the Commissioners of the Treasury, under his Hand and Seal or under their Hands and Seals, to appoint a fit and proper Person to be the Comptroller and Auditor of Excise on behalf of Her Majesty, Her Heirs and Successors, for the Purpose of comptrolling and auditing all Accounts of and belonging to the whole Revenue of Excise arising in and under the Management of the Commissioners of Excise throughout the United Kingdom of *Great Britain* and *Ireland*, with such Salary, payable by the Commissioners of Excise out of the Revenue of Excise, as the Lord High Treasurer or the Commissioners of the Treasury may in that Behalf order and direct; and such Comptroller and Auditor shall in all respects be subject to such Rules, Orders, Regulations, and Directions as the Lord High Treasurer or the Commissioners of the Treasury shall from Time to Time make or prescribe, and transmit to the said Comptroller and Auditor for his Direction and Guidance in his said Office: Provided always, that any Appointment of any Person as such Comptroller and Auditor made before the passing of this Act shall be good and valid, and shall continue in force as if the same had been afterwards made under and by virtue of the Authority of this Act.

All the Revenue of Excise to be paid over to the Receiver General.

XV. And be it enacted, That all Money, and all Bills of Exchange, Promissory Notes, Drafts, Checks, Accountable Receipts, and Orders for the Payment of Money, which shall from Time to Time be collected or received or paid, for or on account of the Duties or Revenue of Excise, shall (except only the necessary Charges of collecting, receiving, levying, managing, paying, and accounting for the same, and all other Payments legally paid thereout,) be paid, remitted, and delivered, under the Orders and Directions of the Commissioners of Excise, into the Hands of the Receiver General of Excise, at the

the Chief Office of Excise, or in such other Manner as the Lord High Treasurer or Commissioners of the Treasury shall from Time to Time order, direct, or appoint; and all such Bills of Exchange, Promissory Notes, Drafts, Checks, Accountable Receipts, and Orders for the Payment of Money, remitted or forwarded to the Chief Office of Excise, shall be made and drawn in favour of the said Receiver General, who shall, by himself, or his Clerk duly authorized by him for that Purpose, and for whose Conduct he shall be answerable, endorse the same, before the Payment and Delivery thereof into the Bank of *England* as herein-after directed.

XVI. And be it enacted, That all Monies, Bills, Notes, Drafts, Checks, Accountable Receipts, or Orders for Payment of Money, received by or coming into the Hands of the Receiver General of Excise, shall be paid by him into the Hands of the Governor and Company of the Bank of *England*, for which Monies, Bills, Notes, Drafts, Checks, Receipts, and Orders the Entry in the Book herein-after mentioned shall be a sufficient Discharge; and all such Monies, Bills, Notes, Drafts, Checks, Receipts, and Orders so paid to the Governor and Company of the Bank of *England* shall be placed to an Account raised in the Books of the said Governor and Company, and intituled "The Account of the Public Monies of the Receiver General of Excise," inserting the Name of such Receiver General for the Time being; and all such Payments shall be made at such Times and in such Manner, and under such Rules, Orders, and Regulations, and such Accounts thereof shall be kept, as the Lord High Treasurer or the Commissioners of the Treasury, or the Commissioners of Excise, shall from Time to Time direct and prescribe in that Behalf.

All Monies, Bills, Notes, &c. to be paid by the Receiver General of Excise into the Bank of *England*.

XVII. Provided always, and be it enacted, That it shall be lawful for the said Receiver General to pay, out of the Monies received by him, the ordinary and daily Payments required to be made by Orders of the Commissioners of Excise or otherwise, and upon any special Occasion to retain in his Hands, at the Close of any Day, such Sum as he shall be authorized or directed by the Commissioners of Excise to retain.

Payments for ordinary Purposes may be made and Money retained upon special Occasions.

XVIII. And be it enacted, That the Governor and Company of the Bank of *England*, or some Person duly authorized on their Behalf, shall, upon every Occasion of receiving any Money, Bill, Note, Draft, Check, Accountable Receipt, or Order for Payment of Money, from the Receiver General, make an Entry of the Money, and of every such Bill, Note, Draft, Check, Receipt, and Order for Money so received, in a Book to be provided by the said Governor and Company, with the Approbation of and to be kept in such Form as shall be directed by the Lord High Treasurer or Commissioners of the Treasury, and sent for that Purpose by such Receiver General; and such Book shall, forthwith after the making of such Entry, be re-delivered to the Person making such Payment, and shall be inspected daily after its Return by the proper Check Officer or Officers at the Chief Office of Excise, charged with such Duty by the

All Monies, Bills, Notes, &c. paid into the Bank of *England* by the Receiver General of Excise to be forthwith entered in a Book by an Officer of the Bank, and the Book to be daily inspected by the Check Officers of Excise.

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Lord High Treasurer or Commissioners of the Treasury, or by the Commissioners of Excise, who shall examine and compare the same with the Excise Accounts, for the Purpose of seeing that the Receiver General constantly pays into the Bank all the Money, Bills, Notes, Drafts, Checks, Receipts, and Orders for Payment of Money as required under the Provisions of this Act; and any Default which may be discovered in that Behalf shall forthwith be immediately reported by such Check Officer or Officers to the Commissioners of Excise.

Money to be paid over to the Exchequer under the Provisions of 4 & 5 W. 4. c. 15. and the Orders of the Treasury.

XIX. And be it enacted, That all Money placed to the Account of the Receiver General of Excise in the Bank of *England* shall be written off, transferred, and paid to the Receipt and Account of the Exchequer, under the Provisions and Regulations of an Act passed in the Fourth Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to regulate the Office of the Receipt of His Majesty's Exchequer at Westminster*, and under such Regulations and Directions as the Lord High Treasurer or Commissioners of the Treasury shall in that Behalf prescribe; and it shall not be lawful for the Governor and Company of the Bank of *England* to pay or transfer, from the Account of the Receiver General, any Part of the Money so deposited and placed to such Account, otherwise than into the Exchequer in manner aforesaid, or in Payment of such Check or Checks as such Receiver General, or his Clerk duly authorized by him for that Purpose, and for whose Conduct he shall be answerable, may be authorized to draw, under the Sanction and Rules and Regulations of the Lord High Treasurer or Commissioners of the Treasury, such Checks being first duly countersigned by the proper Check Officers, or to deliver any Bill of Exchange, Promissory Note, Draft, Check, Accountable Receipt, or Order for the Payment of Money, save and except to Her Majesty's Solicitor of Excise in *England*, or his Clerk, upon his Application for the same, countersigned by the Receiver General or his Clerk, for the sole Purpose of prosecuting an Extent for the Recovery of the Money for which any such Bill of Exchange, Promissory Note, Draft, Check, Order, or Receipt for the Payment of Money shall have been given; and in such Case the Commissioners of Excise shall be immediately acquainted therewith, if sitting, by such Solicitor and Receiver General, or if not sitting, then at the Time of their next assembling; and every such Delivery shall be entered in the Bank Book of the Receiver General, to be kept as herein-before directed.

Commissioners of Excise empowered to appoint Check Officers, and all Persons so appointed or directed by the Treasury to be deemed the proper Check Officers.

XX. And be it enacted, That it shall be lawful for the Commissioners of Excise to appoint and direct any Accomptants' or Officers whom they shall see fit to examine and check the said Bank Book of the Receiver General, or to countersign any Checks or other Documents of the Receiver General of Excise; and every Person so appointed or directed, and the Comptroller or other Officer directed by the Lord High Treasurer or Commissioners of the Treasury to perform the like Duties, shall be and shall be deemed and taken to be the proper Check

Check Officers within the Meaning of this Act: Provided always, that where any Check, Draft, Write-off, or other Document required to be countersigned by any such Check Officer, is to be acted on by the Governor and Company of the Bank of *England*, the Nomination and Appointment and the Signature of such Check Officer shall be first made known to the said Governor and Company.

XXI. Provided always, and be it enacted, That the Duties of Excise arising, collected, and paid in *Ireland* shall, unless the Lord High Treasurer or Commissioners of the Treasury shall otherwise order or direct, continue to be paid into the Bank of *Ireland* to the Account of Her Majesty's Exchequer, in the same Manner as the same are now paid in under the Powers and Authorities of an Act passed in the Seventh Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for the Regulation of the Offices of Vice Treasurer and Teller of the Exchequer in Ireland*, and the other Acts therein recited, any thing in this Act contained to the contrary notwithstanding.

Excise Duties in *Ireland* to continue to be paid into the Bank of *Ireland*, unless the Treasury shall otherwise order.

XXII. And be it enacted, That the Accountant General of Excise shall annually prepare and pass, before the Comptroller and Auditor of Excise, Accounts of the Produce of the Revenue of Excise under the Care and Management of the Commissioners of Excise, and of the Payments thereout, for *England*, *Scotland*, and *Ireland*; and such Accounts shall contain the Amount charged for each of the several Duties of Excise, and the Particulars of the Payments made out of the Revenue of Excise, and shall be substituted for the Account now rendered and sworn to by the Commissioners of Excise before a Baron of Her Majesty's Court of Exchequer, or shall be in such Form, and contain such Particulars, as the Lord High Treasurer or Commissioners of the Treasury shall direct; and such Accounts shall be made up to the Fifth Day of *January* in every Year, or to such other Period in every Year as the Lord High Treasurer or Commissioners of the Treasury shall appoint, and shall be delivered by the said Accountant General to the said Comptroller and Auditor within such Time as shall be limited by the Lord High Treasurer or Commissioners of the Treasury for that Purpose; and from and after the passing of this Act the Commissioners of Excise shall be discharged from being Public Accomptants, and shall not be required or called upon to render or pass or swear to, as heretofore, any Account of the Revenue of Excise under their Care and Management: Provided always, that nothing herein contained shall be held or construed to extend to exempt or discharge the said Commissioners of Excise from rendering and furnishing to the Lord High Treasurer or Commissioners of the Treasury any Account or Accounts which may from Time to Time be called for or required from them by the said Lord High Treasurer or Commissioners of the Treasury.

Accountant General of Excise to prepare and pass an Account annually before the Comptroller and Auditor of Excise.

XXIII. And be it enacted, That so much of the said recited Act of the Eighth Year of the Reign of His said late Majesty King *George* the Fourth as enacts "that all Goods and Com-

Repeal of 7 & 8 G. 4. c. 53. s. 28.

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modities for or in respect whereof any Duty or Duties of Excise is, are, or shall be by Law imposed, and all Materials, Preparations, Utensils, and Vessels for the making thereof, or by which any such Trade or Business shall have been carried on, in the Custody or Possession of the Person or Persons carrying on such Trade or Business, or in the Custody or Possession of any other Person or Persons, to the Use of or in Trust for the Person or Persons carrying on such Trade or Business, shall be and remain subject and liable to, and the same are hereby made chargeable with all the Duties of Excise which, during the Time of any such Custody or Possession, shall be charged or become chargeable, or be in arrear or owing, from or by the Person or Persons carrying on such Trade or Business for or in respect of the same, or of any such or the like Goods and Commodities respectively; and shall also be and remain subject and liable to all Penalties and Forfeitures which, during any such Custody or Possession, shall be incurred by the Person or Persons carrying on such Trade or Business, for any Offences by such Person or Persons committed against this Act or any other Act or Acts of Parliament relating to the Revenue of Excise; and all such Goods, Commodities, Materials, Preparations, Utensils, and Vessels shall be and remain subject and liable to all such Duties, Penalties, and Forfeitures, into whose Hands soever the same shall afterwards come, or by what Conveyance or Title soever the same shall be claimed; and it shall be lawful, in all such Cases, to levy thereupon such Duties, Penalties, and Forfeitures, and to use such Proceedings for the Recovery or Enforcement of such Duties, Penalties, and Forfeitures respectively, as may lawfully be done in Cases where the Debtors or Offenders are the true and lawful Owners of such Goods, Commodities, Materials, Preparations, Utensils, or Vessels," shall be and the same is hereby repealed.

All Goods subject to Duties of Excise, and all Materials, Machinery, Vessels, and Implements used in the Manufacture, to be liable for all Duties, Arrears, and Penalties incurred whilst in the Possession of the Trader.

XXIV. And be it enacted, That all Goods and Commodities for or in respect of which any Duty of Excise is or shall be by Law imposed, and all Materials and Preparations from which any such Goods are made, and all Stills, Backs, Vats, Coppers, Cisterns, Tables, Presses, Machines and Machinery, Vessels, Utensils, Implements, and Articles for making or manufacturing or producing any such Goods and Commodities, or preparing any Materials, or by which the Trade or Business in respect of which the Duty is or shall be imposed shall have been or shall be carried on, in the Custody or Possession of the Person carrying on such Trade or Business, or in the Custody or Possession of any Factor, Agent, or other Person in Trust for or for the Use of the Person carrying on such Trade or Business, shall be and remain subject and liable to, and the same are hereby made chargeable with, all the Duties of Excise which, during the Time of any such Custody or Possession, shall be or shall have been charged or become chargeable on or be in arrear or owing from or by the Person carrying on such Trade or Business; and shall also be and remain subject and liable to all Penalties and Forfeitures which during any such Custody or Possession shall

be or shall have been incurred by the Person carrying on such Trade or Business, for any Offence by such Person committed against any Act or Acts relating to the Revenue of Excise; and all such Goods, Materials, and Preparations, Stills, Backs, Vats, Coppers, Tables, Presses, Machines, Machinery, Vessels, Utensils, and Articles shall be and remain subject and liable to all such Duties, Penalties, and Forfeitures, by whomsoever and by whatsoever Title or Conveyance the same may be claimed; and it shall be lawful to levy thereon such Duties, Penalties, and Forfeitures, and for that Purpose to seize, take, sell, remove, and dispose of the same as the Goods and Chattels of the Debtors or Offenders under any Writ or Writs of Extent, Execution, or other Process or Warrant for the Recovery or Enforcement of any such Duties, Penalties, and Forfeitures: Provided always, that where any Goods or Commodities subject to any Duty of Excise shall have been taken account of and duly charged with Duty by the proper Officer of Excise, and shall, after having been so taken account of and charged with Duty, be fairly and *bona fide*, and in the regular and ordinary Course of Trade, sold, disposed of and delivered into the Possession of the Purchaser thereof, for a full and valuable Consideration, before the Teste or issuing of any Process or Warrant for the Recovery of any Duty or Penalty, such Goods and Commodities in the Possession of such fair and *bona fide* Purchaser shall be discharged from such Liability as aforesaid; but in all Cases where any Goods or Commodities shall be seized in the Custody or Possession of any Person, and shall be claimed to be discharged from such Liability, as having been fairly and in the regular and ordinary Course of Trade purchased, Proof of the Fairness and *bona fides* of the Purchase, and of the same having been in the regular and ordinary Course of Trade, and of the Sale and Delivery having been made before the Teste or issuing of the Process or Warrant under which such Goods or Commodities shall be seized, shall lie on the Claimer thereof.

Proviso, that where Goods duly charged with Duty have been sold and delivered in the fair and ordinary Course of Trade, the Liability to cease.

XXV. And be it enacted, That so much of the said recited Act of the Eighth Year of the Reign of His said late Majesty King *George* the Fourth as enacts "that it shall be lawful for the Lord High Treasurer, or any Three or more of the Commissioners of the Treasury, from Time to Time, under his Hand and Seal or under their Hands and Seals, to appoint such and so many Persons to be Commissioners of Appeal in *England*, as he or they shall deem advisable, for and on behalf of His Majesty, His Heirs and Successors, for the Purpose of hearing Appeals, as herein-after mentioned, from any Judgment given by the Commissioners of Excise upon any Information exhibited before them, with such Salaries respectively, payable to such Commissioners of Appeal out of the Revenue of Excise, as the Lord High Treasurer, or any Three or more of the Commissioners of the Treasury, may in that Behalf order and direct; and any Three or more of such Persons so appointed shall constitute a Court of Appeal for all such Purposes as herein-after mentioned," and so much of the said recited Act as gives any Appeal

Repeal of 7 & 8 G. 4. c. 53. s. 81.

Appeal from any Judgment of the Commissioners of Excise to the said Commissioners of Appeal, shall be and the same is hereby repealed.

Persons aggrieved by Judgment of the Commissioners of Excise may appeal to the Barons of the Exchequer.

XXVI. And be it enacted, That in case any Officer of Excise who shall exhibit any Information, or any Person against whom any Information shall have been exhibited, or who shall appear and claim any Goods, Commodities, or Chattels alleged to be forfeited in any Information exhibited before the Commissioners of Excise, shall feel aggrieved by the Judgment given thereon by such Commissioners of Excise, it shall be lawful for such Officer, or such Person or Persons, upon giving and lodging such Notices as are by the said recited Acts required, to appeal from such Judgment to the Barons of Her Majesty's Court of Exchequer; and it shall be lawful thereupon for any One or more of the said Barons, and they are hereby authorized and required, upon being served with Notice of such Appeal, at such Place and at such Time as he or they shall appoint, to hear, adjudge, and finally determine such Appeal; and the Baron or Barons of the Exchequer by whom such Appeal shall be heard, adjudged, and determined shall have all the same Powers and Authorities as are by the said recited Acts given to the Commissioners of Appeal; and all the Enactments, Rules, Regulations, and Provisions in the said recited Acts contained in respect to an Appeal to the Commissioners of Appeal shall, except as altered or varied by this Act, be in full Force and Effect, and shall be observed and complied with in all respects in the bringing, lodging, hearing, adjudging, and determining any such Appeal to the Barons of Her Majesty's Court of Exchequer, and in enforcing any Judgment given thereon.

Registrar of the Commissioners of Excise to be the Registrar of the Barons on Appeals.

XXVII. And be it enacted, That the Registrar of the Commissioners of Excise shall be the Registrar of the Barons of Her Majesty's Court of Exchequer, as Judges of Appeal under this Act, to or with whom all Notices required to be delivered to or lodged with the Registrar of the Commissioners of Appeal shall be delivered and lodged; and all Acts, Matters, and Things to be done and executed by the Registrar of the Commissioners of Appeal under the Provisions of the said recited Acts or either of them shall be done and executed by the said Registrar of the Commissioners of Excise, who shall be and he is hereby authorized and required to issue all Summonses for compelling the Attendance of any Witness or Witnesses to appear and give Evidence on the hearing and determining of any such Appeal, and to do all other Acts touching and concerning such Appeal, authorized, empowered, or required to be done by the Registrar of the Commissioners of Appeal under the said recited Acts.

Fees may be taken by the Registrar and Baron's Clerk.

XXVIII. And be it enacted, That it shall be lawful for the said Registrar, and for the Clerk or Clerks of the Baron or Barons of Her Majesty's Court of Exchequer hearing such Appeal, to take, demand, receive, and recover such Fees from the Appellant and Respondent respectively in any such Appeal as shall be fixed and appointed by any Table of Fees to be

approved of and signed by the said Barons of Her Majesty's Court of Exchequer, or any Two or more of them.

XXIX. And be it enacted, That every Person who, being summoned to appear and give Evidence before a Baron of Her Majesty's Court of Exchequer, upon any such Appeal, and who, having the reasonable Expences for his or her Attendance tendered, shall neglect or refuse to appear at the Time and Place specified in the Summons according to the Exigency thereof, or who having appeared shall refuse to take Oath, or, if a Quaker, to affirm, or shall refuse to give Evidence, or to answer according to the best of his Knowledge and Belief any legal Question when thereunto required, shall for every such Default or Offence forfeit Fifty Pounds.

Witnesses summoned on an Appeal, and not attending or refusing to give Evidence, to forfeit 50*l*.

XXX. And be it enacted, That the Notice of the Time and Place when and where any Appeal to the Barons of Her Majesty's Court of Exchequer, or to the Justices assembled at the Quarter Sessions of the Peace, is to be heard, shall be given on the Part of the Appellant to or left at the Place of Abode of the Respondent Seven clear Days at least before such Appeal is to be heard and determined.

Seven clear Days Notice to be given of the Hearing of an Appeal.

XXXI. And be it enacted, That any Summons, Notice, Order, or other Proceeding issued on any Information exhibited before the Commissioners of Excise, or any Justice or Justices, for the Recovery of any Penalty or the enforcing of any Forfeiture incurred or to be recovered or enforced under any Law or Laws of Excise, or on any Appeal against any Judgment of the Commissioners of Excise, or any Justice or Justices of the Peace, on any such Information, may be served by any Officer of Excise or other Person; and such Service shall be good and legal Service, any thing in any Act or Acts to the contrary notwithstanding.

Summons may be served by Officers of Excise.

XXXII. And be it enacted, That all Goods, Commodities, Chattels, and Things, not exceeding Fifteen Pounds in Value, which shall be seized as forfeited under the Provisions of any Act or Acts relating to the Revenue of Excise, and which shall not within the Space of One Month after the Seizure thereof be claimed by the Owner, by Application in Writing either to the Commissioners or the Collector or Supervisor of Excise, or to the Officer seizing or in whose Custody the Goods, Commodities, Chattels, or Things seized shall be, shall be absolutely forfeited, as fully and effectually as if the same had been condemned by Judgment of Condemnation of Her Majesty's Court of Exchequer; and in all Cases in which any such Goods, Commodities, Chattels, or Things seized shall be claimed by any Person within such Time as aforesaid, such Proceedings shall be had for the Condemnation thereof as in the Case of other Goods, Commodities, or Chattels or Things seized as forfeited under any Law or Laws of Excise: Provided always, that nothing herein contained shall extend or be construed to extend to restrict or affect the Forfeiture of any Goods, Commodities, Chattels, or Things seized under the Provisions of an Act passed in the Second Year of the Reign of His late Majesty

Seizures under 15*l*. Value, unless claimed in One Month, to be condemned.

King *William* the Fourth, to consolidate and amend the Laws for suppressing the illicit making of Malt and Distillation of Spirits in *Ireland*.

Complaint of Overcharge or Overpayment of Duty not to be made to the Commissioners of Excise or Justices of the Peace in Cases where the Question shall be the Liability of Goods to Duty, or the Rate of Duty, or the Mode of charging the Duty.

XXXIII. And be it enacted, That no Complaint of any Overcharge or Overpayment of any Duty of Excise shall be made to the Commissioners of Excise within the Limits of the Chief Office of Excise, or to any Justices of the Peace in any other Part of the United Kingdom, by any Person liable to the Payment of any Duty of Excise, in any Case where the Subject Matter of such Complaint shall be a Question whether any Goods or Commodities are Goods or Commodities liable to be charged with a Duty of Excise, or are liable to a higher or lower Rate of Duty, or as to the Mode or Manner of charging the Duty of Excise on any Goods or Commodities; and it shall not be lawful for the said Commissioners or Justices to try or decide any such Question on any such Complaint; but all Proceedings thereon, allowing any Overcharge or Overpayment of Duty, and all and every Warrant issued in pursuance thereof, shall be null and void, any thing in the said recited Act of the Fifth Year of the Reign of His late Majesty King *William* the Fourth notwithstanding: Provided always, that where any Person charged with any Duty of Excise shall question the Legality of the Charge, on the Ground that the Goods or Commodities charged are not Goods or Commodities liable to a Duty of Excise, or are subject to a different Rate of Duty than the Rate of Duty charged, or on account of the Mode or Manner in which such Duty shall have been charged, and shall, within Six Days after the Return of the Officer of Excise, give Notice to the Commissioners of Excise, or to the Collector or Supervisor of Excise within the Limits of whose Business such Charge shall have been made, of his Objection to the Charge, and the Ground of such Objection, such Person shall not be concluded by the Return or Charge of the Officer of Excise, but such Person shall be at liberty, on any Information filed or other Proceedings taken to recover the Payment of any Duty or Portion of Duty charged on and refused to be paid by him, in his Defence to dispute such Charge and his Liability to the Payment of the Amount of Duty specified therein, or of any Portion thereof.

All Lands and Buildings taken for the Service of the Excise vested in the Secretary of Excise.

XXXIV. And be it enacted, That all Manors, Messuages, Buildings, Lands, Tenements, and Hereditaments in the United Kingdom, which have heretofore been purchased, acquired, or taken for the Use and Service of the Revenue of Excise, together with the Rights, Members, Easements, and Appurtenances to the same respectively belonging, (other than and except such Messuages, Lands, Tenements, and Hereditaments as may be of Copyhold Tenure,) shall be and become, and remain and continue, vested in the Secretary for the Time being of the Commissioners of Excise, and his respective Successors as Secretaries in such Service, according to the Nature and Quality of the said Manors, Messuages, Buildings, Lands, Tenements, and Hereditaments, and the several Estates and
Interests

Interests of and in the same respectively, in Trust for Her Majesty, Her Heirs and Successors, for the Use and Service of the Revenue of Excise.

XXXV. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament. Act may be amended, &c.

CAP. XXI.

An Act for rendering a Release as effectual for the Conveyance of Freehold Estates as a Lease and Release by the same Parties. [18th *May*. 1841.]

‘ WHEREAS it is expedient to lessen the Expence of conveying Freehold Estates:’ Be it enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That every Deed or Instrument of Release of a Freehold Estate, or Deed or Instrument purporting or intended to be a Deed or Instrument of Release of a Freehold Estate, which shall be executed on or after the Fifteenth Day of *May* One thousand eight hundred and forty-one, and shall be expressed to be made in pursuance of this Act, shall be as effectual for the Purposes therein expressed, and shall take effect as a Conveyance to Uses or otherwise, and shall operate in all respects both at Law and Equity as if the releasing Party or Parties who shall have executed the same had also executed in due Form a Deed or Instrument of Bargain and Sale or Lease for a Year for giving Effect to such Release, although no such Deed or Instrument of Bargain and Sale or Lease for a Year shall be executed; provided that every such Deed or Instrument so taking effect under this Act shall be chargeable with the same Amount of Stamp Duty as any Bargain and Sale or Lease for a Year would have been chargeable with (except progressive Duty) if executed to give Effect to such Deed or Instrument, in addition to the Stamp Duties which such Deed or Instrument shall be chargeable with as a Release or otherwise under any Act or Acts relating to Stamp Duties.

A Release to be effectual although no Lease for a Year shall be executed.

Release chargeable with the Stamp Duty to which the Lease for a Year would have been liable.

II. ‘ And whereas many Deeds or Instruments of Bargain and Sale or Leases for a Year, to give effect to Deeds or Instruments of Release of Freehold Estates heretofore executed, have been lost or mislaid;’ be it enacted, That where, in or by any Deed or Instrument of Release of Freehold Estates executed before the Fifteenth Day of *May* One thousand eight hundred and forty-one, any Deed or Instrument of Bargain and Sale or Lease for a Year for giving effect to such Deed or Instrument of Release shall be recited, or by any Mention thereof in such Deed or Instrument of Release appear to have been made or executed, such Recital or Mention thereof shall be deemed and taken to be conclusive Evidence of the Deed or Instrument of Bargain and Sale or Lease for a Year so recited

The Recital or Mention of a Lease for a Year in a Release executed before the passing of this Act, to be Evidence of the Execution of such Lease for a Year.

or mentioned having been made and executed; and such Deed or Instrument of Release shall also have the like Effect as if the same had been executed after the Fifteenth Day of *May* One thousand eight hundred and forty-one, whether such Deed or Instrument of Bargain and Sale or Lease for a Year shall or shall not have been lost or mislaid, or may or may not be produced: Provided always, that this Act shall not prejudice or affect any Proceedings at Law or in Equity pending at the Time of the passing of this Act, in which the Validity of any Bargain and Sale or Lease for a Year shall be in question between the Party claiming under such Bargain and Sale or Lease for a Year and the Party claiming adversely thereto; and such Bargain and Sale or Lease for a Year, if the Result of such Proceedings shall invalidate the same, shall not be rendered valid by this Act.

Construction of
the Word
"Freehold."

III. And be it enacted, That in the Construction of this Act the Word "Freehold" shall have not only its usual Signification, but shall extend to all Lands and Hereditaments for the Conveyance of which, if this Act had not been passed, a Bargain and Sale or Lease for a Year, as well as a Release, would have been used.

Act may be
amended, &c.

IV. And be it enacted, That this Act may be amended or repealed by any Act to be passed during the present Session of Parliament.

CAP. XXII.

An Act to remove Doubts as to the Liability of Lords and Peers of Parliament to Punishment in certain Cases of Felony. [21st June 1841.]

WHEREAS Doubts have been entertained whether, notwithstanding the Provisions of an Act passed in the Seventh and Eighth Year of the Reign of His late Majesty King George the Fourth, intituled *An Act for further improving the Administration of Justice in Criminal Cases in England*, so much of an Act passed in the First Year of the Reign of His Majesty King Edward the Sixth, intituled *An Act for the Repeal of certain Statutes concerning Treasons and Felonies*, as enacts "that in all and every Case and Cases where any of the King's Majesty's Subjects shall and may, upon his Prayer, have the Privilege of Clergy as a Clerk Convict that may make Purgation, in all those Cases and every of them, and also in all and every Case and Cases of Felony wherein the Privilege and Benefit of Clergy is restrained, excepted, or taken away by this Statute or Act, (wilful Murder and poisoning of Malice prepensed only excepted,) the Lord or Lords of the Parliament, and Peer and Peers of the Realm having Place and Voice in Parliament, shall, by virtue of this present Act, of common Grace, upon his or their Request or Prayer alleging that he is a Lord or Peer of this Realm, and claiming the Benefit of this Act, though he cannot read, without any burning in the Hand, Loss of Inheritance, or Corruption of his Blood, be adjudged, deemed, taken, and used, for the first Time only, to all Intents, Constructions, and Purposes, as a Clerk Convict, and shall be in Case of a Clerk Convict which may make Purgation, without any further or other Benefit or Privilege of Clergy to any such Lord or Peer from thenceforth, at any Time after, for any Cause to be allowed, adjudged, or admitted, any Law, Statute, Usage, Custom, or any other Thing to the contrary notwithstanding," may not, for some Purposes, still remain in force: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That so much of the said last-mentioned Act as is herein-before recited shall from henceforth be repealed and utterly void, and no longer of any Effect; and that every Lord of Parliament or Peer of this Realm having Place and Voice in Parliament, against whom any Indictment for Felony may be found, shall plead to such Indictment, and shall upon Conviction be liable to the same Punishment as any other of Her Majesty's Subjects are or may be liable upon Conviction for such Felony, any Law or Usage to the contrary in anywise notwithstanding.

7 & 8 G. 4. c. 28.

1 Edw. 6. c. 12.
s. 13.Part of recited
Act repealed.Peers convicted
of Felony liable
to same Punish-
ment as other
Subjects.

CAP. XXIII.

An Act to suspend until the Thirty-first Day of *August* One thousand eight hundred and forty-two the making of Lists and the Ballots and Enrolments for the Militia of the United Kingdom.

[21st June 1841.]

‘ WHEREAS it is expedient to suspend for a further Period
 ‘ the making of Lists and the Ballots and Enrolments
 ‘ for the Militia of the United Kingdom:’ Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all General and Subdivision Meetings relating to the Militia of the United Kingdom, and all Proceedings relating to the procuring any Returns or preparing or making out Lists of such Militia, or any Part thereof, or relating to the balloting for or enrolling any Militia Men or Substitutes, or supplying any Vacancies in such Militia, shall cease and remain suspended until the Thirty-first Day of *August* One thousand eight hundred and forty-two, any thing in any Act or Acts to the contrary notwithstanding.

General and Subdivision Meetings relating to the Militia suspended.

Proceedings may be had during such Suspension by Order in Council.

II. Provided always, and be it enacted, That it shall be lawful for Her Majesty by any Order in Council to direct that any Proceedings shall be had at any Time before the Expiration of such Period as aforesaid either for the giving of Notices and making Returns and preparing Lists, and also for the proceeding to ballot and enrol Men for the filling up Vacancies in the Militia of the United Kingdom or any Part thereof, as Her Majesty shall deem expedient; and upon the issuing of any such Order all such Proceedings shall be had for carrying into execution all the Provisions of the Acts in force in *England*, *Scotland*, and *Ireland* respectively relating to the giving Notices for and Returns of Lists, and for the balloting and enrolling of Men to supply any Vacancies in the Militia, and holding General and Subdivision Meetings for such Purpose, at such Time respectively as shall be expressed in any such Order in Council, or by any Directions given in pursuance thereof to the Lord Lieutenants or Deputy Lieutenants acting for Lord Lieutenants of the several Counties, Shires, Ridings, Cities, and Places in *Great Britain*, or to the Governors and Deputy Governors of Counties and Places in *Ireland*, or to the Warden and Special Deputy Wardens of the Stannaries; and all the Provisions of the several Acts in force in *England*, *Scotland*, and *Ireland* respectively relating to the Militia and Corps of Miners in *Cornwall* and *Devon* shall, upon any such Order, and Direction given in pursuance thereof, become and be in full Force and be carried into execution at the Period specified in such Order or Direction as aforesaid, with all such Penalties and Forfeitures for any Neglect thereof, as fully as if such Periods had been fixed in the Acts relating to such Militia and Miners.

III. And be it enacted, That this Act, and all the Clauses, Provisions, Directions, and Authorities therein contained, shall be construed to extend to the Warden and Special Deputy Wardens of the Stannaries and Corps of Miners of *Cornwall* and *Devon* as fully as if they were respectively and severally repeated in every such Clause, Provision, Direction, and Authority.

Act to extend to Wardens of Stannaries and to Corps of Miners.

CAP. XXIV.

An Act to amend an Act to grant certain Powers to Heirs of Entail in *Scotland*, and to authorize the Sale of Entailed Lands for the Payment of certain Debts affecting the same. [21st June 1841.]

WHEREAS an Act was passed in the Session of Parliament holden in the Sixth and Seventh Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to grant certain Powers to Heirs of Entail in Scotland, and to authorize the Sale of Entailed Lands for the Payment of certain Debts affecting the same*, whereby Heirs of Entail were authorized to make Excambions to a certain Extent of their Entailed Lands and Estates at the Sight and with the Approbation of the Court of Session, and to complete the same by Contracts of Excambion, to be approved of by the Court, and recorded in the Sheriff Court Books of the Shires within which the Lands lie and also in the Register of Tailzies: And whereas Doubts have arisen whether it is necessary to insert in such Contracts of Excambion the whole Destination of Heirs Substitutes and Successors, and the Conditions and Provisions, and prohibitory, irritant, and resolute Clauses of the original Entail, and to apply by Petition to the Court of Session for Leave to have the Contract recorded in Terms of the Act passed in the Parliament of *Scotland* in the Year Sixteen hundred and eighty-five, intituled *Act concerning Tailzies*, and it is expedient that such Doubts should be removed: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall not be necessary to insert in any Contract of Excambion executed under the Authority of the said first-recited Act the whole Destination of Heirs Substitutes and Successors, or the Conditions and Provisions, and prohibitory, irritant, and resolute Clauses of the original Entail: Provided always, that Reference be made in the Contract to such original Entail, and the Date thereof, and the Date of recording the same in the Register of Tailzies; and it shall be incumbent on the Keeper of the Register of Tailzies to insert such Contracts in the Register of Tailzies, upon the same being presented to him, without the Necessity of a Warrant from the Court of Session for that Purpose.

6 & 7 W. 4. c. 42.

The Insertion in Contracts of Excambion of certain Matters contained in the original Entail not necessary.

Act may be altered, &c

II. And be it enacted, That this Act may be altered or repealed by any Act to be passed in the present Session of Parliament.

CAP. XXV.

An Act to amend and continue for One Year, and to the End of the then next Session of Parliament, the several Acts relating to the Importation and keeping of Arms and Gunpowder in *Ireland*.

[21st June 1841.]

WHEREAS an Act was passed in the Forty-seventh Year of the Reign of His Majesty King *George* the Third, intituled *An Act to prevent improper Persons from having Arms in Ireland*, to continue in force for a limited Period; which Act was by another Act passed in the Fiftieth Year of His said Majesty's Reign continued and amended; and such Acts, having been continued, were by another Act passed in the Tenth Year of the Reign of His Majesty King *George* the Fourth amended and further continued until a Time when the same expired: And whereas by another Act passed in the First and Second Years of His late Majesty's Reign the said recited Acts were revived and continued: And whereas by Three other Acts passed respectively in the Second and Third, and Fourth and Fifth, and Sixth and Seventh Years of the Reign of His late Majesty such Acts were continued: And whereas by another Act passed in the First and Second Years of the Reign of Her present Majesty the said Acts were amended and continued, and the same were further continued by another Act passed in the last Session of Parliament, and will remain in force until the Twenty-third Day of *July* in this present Year, and thenceforth until the End of the then next Session of Parliament; and it is expedient that the said Acts should be amended and further continued; be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That every Person desirous of obtaining a Licence to keep Arms according to the Provisions of the said Acts shall, Ten clear Days at least before the First Day of the General Sessions of the Peace at which such Person shall intend to apply for such Licence, deliver or transmit, or cause to be delivered or transmitted, to the Clerk of the Peace of the County in which such Applicant may reside, or to his Deputy, and shall, Fourteen clear Days at least before the First Day of such General Sessions, deliver or transmit, or cause to be delivered or transmitted, to the Clerk of the Petty Sessions for the District wherein such Person shall reside, the Application in Writing and Affidavit prescribed by the said Act of the Forty-seventh Year of His said Majesty King *George* the

47 G. 3. sess. 2. c. 54.

50 G. 3. c. 109.

10 G. 4. c. 47.

1 & 2 W. 4. c. 47.

2 & 3 W. 4. c. 70.

4 & 5 W. 4. c. 53.

6 & 7 W. 4. c. 39.

1 & 2 Vict. c. 71.

3 & 4 Vict. c. 32.

Applications for Licences to keep Arms shall be delivered or transmitted to the Clerk of the Peace Ten, or to the Clerk of Petty Session Fourteen, Days before the Sessions of the Peace at which such Application is to be considered.

47 G. 3. sess. 2. c. 54. s. 2.

the

the Third; and the said Clerk of the Peace or his Deputy and the Clerk of Petty Sessions respectively shall, at the Time of the Receipt thereof, endorse upon such Application and Affidavit the Date of the Delivery and Receipt thereof, and also make an Entry thereof in a Book to be provided for the Purpose, and which Book shall be kept in the Office of the said Clerk of the Peace and Clerk of Petty Sessions, and be open to the Inspection of every Justice of the Peace of the said County; and each such Clerk of Petty Sessions shall, Ten Days at least before the First Day of the next General Sessions of the Peace for such County, transmit all such Applications and Affidavits as shall have been so delivered or transmitted to him to the Clerk of the Peace for the said County or his Deputy; and such Clerk of the Peace shall, at least Seven Days before the First Day of each such Sessions, make out a List of all such Applications, and shall furnish a Copy of such List to any Justice of the Peace of the said County who shall require the same, either before or during the Sessions; and every Application and Affidavit so delivered or transmitted shall be deemed to be well and sufficiently delivered within the Meaning of the said recited Act; and it shall not be lawful for the Justices at any Sessions after the passing of this Act to grant any Licence to keep Arms, except in a Case where an Application and Affidavit shall have been so delivered or transmitted within such Time respectively as aforesaid.

II. And be it enacted, That from and after the passing of this Act all Applications for Licences to keep Arms by Persons resident in any County at large shall be made to some Sessions holden in the Division of such County wherein the Applicant resides.

Applications for Licences where to be made.

III. And be it enacted, That the Assistant Barrister in each County and Chairman of the Sessions in the County of *Dublin* shall, when fixing the Time for the Commencement of each Session, respectively appoint One or more Day or Days during such Sessions for the Consideration of Applications for Licences to keep Arms, and also the Hour at which such Business is to commence; and no such Application shall be considered upon any other Day or Days than the Time so appointed; and the respective Clerks of the Peace for the several Counties shall specify and distinguish the Time so appointed for the Consideration of such Applications for Licences to keep Arms during each Session, in the Notices of the Times and Places when and whereat each such Session will be holden which they are now by Law required to give.

Special Days to be appointed for hearing Applications for Licences to keep Arms at each Sessions.

IV. And be it enacted, That the said recited Act of the Forty-seventh Year of the Reign of His Majesty King *George* the Third, as the said Act is amended by the said recited Act of the Fiftieth Year of the same Reign, and by the said recited Act of the Tenth Year of the Reign of His Majesty King *George* the Fourth, and by the said recited Act of the First and Second Years of the Reign of Her present Majesty, and by this Act, shall be and the said Acts and each and every of them

Recited Acts continued for One Year.

them is and are hereby continued, and shall be and remain in force for the Term of One Year from the passing of this Act, and thenceforth until the End of the then next Session of Parliament.

11 G. 4. &
1 W. 4. c. 44.
continued for a
Year.

V. ' And whereas an Act was passed in the First Year of the Reign of His late Majesty, intituled *An Act to regulate for One Year the Importation of Arms, Gunpowder, and Ammunition into Ireland, and the making, removing, selling, and keeping of Arms, Gunpowder, and Ammunition in Ireland*, and such Act, having been continued from Time to Time, will remain in force until the said Twenty-third Day of July in this present Year, and thenceforth until the End of the then next Session of Parliament, and it is expedient that the said Act should be further continued; ' be it therefore enacted, That the said recited Act of the First Year of the Reign of His late Majesty shall be and the said Act is hereby continued, and shall be and remain in force for the Term of One Year from the passing of this Act, and thenceforth until the End of the then next Session of Parliament.

Act may be
amended, &c.

VI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

CAP. XXVI.

An Act to continue Compositions for Assessed Taxes until the Fifth Day of *April* One thousand eight hundred and forty-three. [21st June 1841.]

3 & 4 Vict. c. 38.

4 & 5 W. 4. c. 54.

' WHEREAS by an Act passed in the Third and Fourth Years of the Reign of Her Majesty, intituled *An Act to continue Compositions for Assessed Taxes until the Fifth Day of April One thousand eight hundred and forty-two*, the Compositions for Assessed Taxes entered into or renewed under the Authority of an Act passed in the Fourth and Fifth Years of the Reign of His late Majesty King *William* the Fourth were continued until the Fifth Day of *April* One thousand eight hundred and forty-two, and it is expedient to continue the same for a further Term of One Year: ' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all Contracts of Composition for the Duties of Assessed Taxes now in force shall be and the same are hereby continued in force for a further Term of One Year, to be computed from the Fifth Day of *April* One thousand eight hundred and forty-two, and to determine on the Fifth Day of *April* One thousand eight hundred and forty-three, under the same Rules, Regulations, and Privileges as if such Compositions did not by the Laws now in force expire before the last-mentioned Day; and all the Powers and Provisions of the several Acts relating to or continuing such Compositions, or for collecting or enforcing Payment thereof, shall

Compositions
for Assessed
Taxes continued
for a further
Term of One
Year ending
the 5th April
1843;

shall be extended and applied to the Contracts of Composition continued under this Act, to all Intents and Purposes, as if the same had been herein repeated and re-enacted.

II. Provided always, and be it enacted, That this Act shall not extend to the Contract or Composition of any Person who shall be desirous of determining the same on the Fifth Day of *April* One thousand eight hundred and forty-two, and who shall on or before the Tenth Day of *October* One thousand eight hundred and forty-one give Notice thereof in Writing to the Assessor or Collector of the Parish or Place, or to the Surveyor acting in the Execution of the Acts relating to the Duties of Assessed Taxes for the District in which such Composition shall be payable.

except in Cases where Parties shall give Notice to determine the same on the 5th April 1842.

CAP. XXVII.

An Act to enable Her Majesty's Commissioners of Woods to complete the Contract for the Sale of *York House*, and to purchase certain Lands for a Royal Park. [21st June 1841.]

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WHEREAS by Indenture or Letters Patent under the Seal of the Court of Exchequer, bearing Date the Twenty-sixth Day of *October* One thousand eight hundred and ten, and made between His Majesty King *George* the Third of the one Part, and His Royal Highness *Frederick* Duke of *York* and *Albany*, deceased, of the other Part, all that Ground enclosed with Brick Walls, theretofore Part of His Majesty's Park called *Saint James's Park*, and lying and being in or near the Parish of *Saint Martin-in-the-Fields* in the County of *Middlesex*, therein particularly mentioned, together with the Messuage and Buildings erected on Part thereof, and all that Piece or Parcel of Ground being Part of His Majesty's said Park, called the *Green Park*, therein also particularly mentioned, were demised unto the said Duke of *York* for the Terms and under the Rents in the said Indenture mentioned: And whereas by an Indenture bearing Date the Fourteenth Day of *November* One thousand eight hundred and eleven, and made between the said Duke of *York* of the one Part, and *Charles Greenwood*, *Richard Henry Cox*, and *Charles Hammersley* of the other Part, the said Hereditaments demised by the said Lease were assigned by the said Duke of *York* unto the said *Charles Greenwood*, *Richard Henry Cox*, and *Charles Hammersley*, for the Residue of the said Terms by the said Indenture of Lease granted, subject to a Proviso for Redemption thereof upon Transfer and Payment by the said Duke of *York*, his Heirs, Executors, or Administrators, to the Person or Persons, his, her, or their Heirs, Executors, Administrators, or Assigns, to whom as Principals or Securities the said *Charles Greenwood*, *Richard Henry Cox*, and *Charles Hammersley* were then bound or otherwise liable for the Transfer or Payment of any Principal Sums on account

Lease to the Duke of York, 26th Oct. 1810.

Mortgage, 14th Nov. 1811.

of

of the said Duke of *York*, of all such Principal Sums as aforesaid, and of the Dividends and Interest to become due thereon, and also upon the said Duke of *York*, his Heirs, Executors, or Administrators, indemnifying the said *Charles Greenwood*, *Richard Henry Cox*, and *Charles Hammersley* as therein mentioned, and also upon Payment or Transfer by the said Duke of *York*, his Heirs, Executors, or Administrators, into the Names of the said *Charles Greenwood*, *Richard Henry Cox*, and *Charles Hammersley*, of all such Sums or Dividends as the said *Charles Greenwood*, *Richard Henry Cox*, and *Charles Hammersley* should at any Time thereafter, in consequence of their Liability, be called upon to transfer or pay, and should have actually transferred or paid, and also upon Payment by the said Duke of *York* to the said *Charles Greenwood*, *Richard Henry Cox*, and *Charles Hammersley* of all such Sums of Money as were then or might thereafter become due and owing from the said Duke of *York* to the said *Charles Greenwood*, *Richard Henry Cox*, and *Charles Hammersley*, with Interest for the same respectively after the Rate and as therein mentioned: And whereas by another Indenture of Lease bearing Date the Fourth Day of *May* One thousand eight hundred and twenty-four, and made between His Majesty King *George* the Fourth of the First Part, the then Commissioners of His Majesty's Woods, Forests, and Land Revenues of the Second Part, and the said Duke of *York* of the Third Part, firstly, all that Piece of Ground situate, lying, and being in or near the Parish of *Saint Martin-in-the-Fields* aforesaid, and on the South Side of a certain Place called the *Stable Yard*, within *Saint James's Palace*, and other the Hereditaments therein particularly mentioned; secondly, all that Piece or Parcel of Ground situate, lying, and being in or near the said Parish of *Saint Martin-in-the-Fields* aforesaid, on the East Side of the *Green Park* aforesaid, abutting and containing as in the said Indenture is mentioned, together with the Buildings thereon; thirdly, all that Piece or Parcel of Ground theretofore Part of the *Green Park* aforesaid, then lately enclosed from the said Park with Iron Rails, and then forming Part of the Garden of *York House*, situate, lying, and being on the East Side of the said Park, and within or near the said Parish of *Saint Martin-in-the-Fields*, abutting and containing as therein is mentioned (except as in the said Indenture is mentioned), were demised unto the said Duke of *York*, from the Tenth Day of *October* One thousand eight hundred and twenty-three, for the Term of Eighty-two and a Half Years, at the yearly Rents, and subject to the several Covenants, Provisoos, and Agreements thereby and therein reserved and contained: And whereas by an Indenture bearing Date the Third Day of *July* One thousand eight hundred and twenty-four, and made between the said Duke of *York* of the one Part, and the said *Charles Greenwood*, *Richard Henry Cox*, and *Charles Hammersley* of the other Part, the said Hereditaments demised by the aforesaid Indenture

Lease to the
 Duke of *York*,
 4th *May* 1824.

Mortgage,
 3d *July* 1824.

‘ Indenture of Lease of the Fourth Day of *May* One thousand
 ‘ eight hundred and twenty-four were assigned by the said
 ‘ Duke to the said *Charles Greenwood, Richard Henry Cox, and*
 ‘ *Charles Hammersley* for the Residue then to come of the said
 ‘ Term of Eighty-two Years and a Half, for the further securing
 ‘ to the said *Charles Greenwood, Richard Henry Cox, and Charles*
 ‘ *Hammersley*, their Executors, Administrators, and Assigns,
 ‘ the Sum and Sums of Money then secured or which might
 ‘ thereafter be secured under or by virtue of the herein-before
 ‘ recited Indenture of the Fourteenth Day of *November* One
 ‘ thousand eight hundred and eleven, and the Interest thereof,
 ‘ and also subject to such and the same Right, Title, and
 ‘ Equity of Redemption, in respect of the Ground, Buildings,
 ‘ and Premises therein-before mentioned to be thereby assigned,
 ‘ as the Capital Messuage and Premises comprised in the said
 ‘ Indenture of the Fourteenth Day of *November* One thousand
 ‘ eight hundred and eleven was then or at any Time there-
 ‘ after should be subject to, under or by virtue of such last-
 ‘ mentioned Indenture: And whereas by an Indenture bearing
 ‘ Date the Seventeenth Day of *March* One thousand eight
 ‘ hundred and twenty-six, and made between the said Duke of
 ‘ *York* of the First Part, the said *Charles Greenwood, Richard*
 ‘ *Henry Cox, and Charles Hammersley* of the Second Part, *Charles*
 ‘ *Arbuthnot, William Dacres Adams, and Henry Dawkins*, the
 ‘ then Commissioners of His Majesty’s Woods, Forests, and
 ‘ Land Revenues, of the Third Part, and His said Majesty
 ‘ King *George* the Fourth of the Fourth Part, it was witnessed,
 ‘ that in pursuance of the Agreement in that Behalf therein
 ‘ mentioned the said Duke of *York*, and the said *Charles Green-*
 ‘ *wood, Richard Henry Cox, and Charles Hammersley*, did sur-
 ‘ render unto His Majesty all those several Pieces or Parcels
 ‘ of Ground, with the several Erections and Buildings thereon,
 ‘ therein-before particularly mentioned and described, and all
 ‘ and singular other the Premises comprised in and demised by
 ‘ the said herein-before recited Indentures of Lease, with their
 ‘ Appurtenances, to the Intent that a new Lease might be
 ‘ granted by the Commissioners for the Time being of His
 ‘ Majesty’s Woods, Forests, and Land Revenues, on behalf
 ‘ of His Majesty, to the said Duke of *York*, of the said several
 ‘ Pieces or Parcels of Ground therein-before mentioned and
 ‘ described, with the Messuage or Dwelling House and other
 ‘ Buildings which had been then thereon erected, and together
 ‘ with a certain additional Piece of Ground and Premises therein
 ‘ mentioned; and it was by the Indenture now in recital agreed
 ‘ between the said Duke of *York* and the said *Charles Green-*
 ‘ *wood, Richard Henry Cox, and Charles Hammersley*, that it
 ‘ should be lawful for the said Duke of *York* to assign the said
 ‘ Indenture of Lease so intended to be granted, and the Pre-
 ‘ mises therein comprised, for all or any Part of the Term of
 ‘ Ninety-nine Years, by way of Mortgage, to any Person or Per-
 ‘ sons whomsoever, for securing any Sum or Sums of Money not
 ‘ exceeding in the whole the Sum of Thirty thousand Pounds,
 ‘ with

Surrender of
 Leases, 17th
 March 1826.

New Lease to
the Duke of
York, 18th
March 1826.

Mortgage,
17th May 1826.

Agreement,
10th July 1826.

' with Interest for the same, and that in the meantime and
 ' until such Mortgage should be made and executed (and
 ' subject to such Mortgage after the same should be made
 ' and executed) the said intended Lease, and the Premises
 ' therein comprised, should stand, remain, and be a good and
 ' valid Second Mortgage and Security, and should be assigned
 ' unto the said *Charles Greenwood, Richard Henry Cox, and*
 ' *Charles Hummersley*, by way of Mortgage, for the Sum of
 ' Thirty thousand Pounds, Part of the Sum of Money therein
 ' mentioned to be then remaining due to them, with Interest
 ' for the same, as therein mentioned: And whereas by an
 ' Indenture of Lease bearing Date the Eighteenth Day of
 ' *March* One thousand eight hundred and twenty-six, and made
 ' between His said Majesty King *George* the Fourth of the First
 ' Part, the said *Charles Arbuthnot, William Dacres Adams, and*
 ' *Henry Dawkins*, as such Commissioners as aforesaid, of the
 ' Second Part, and the said Duke of *York* of the Third Part,
 ' all the said Ground and Premises mentioned and comprised
 ' in the several Indentures of Lease herein-before mentioned,
 ' and also the additional Piece of Ground by the Description
 ' therein mentioned, and the Messuage and other Buildings
 ' and Hereditaments therein also mentioned, (except and re-
 ' served as therein is mentioned,) were demised to the said
 ' Duke of *York*, his Executors, Administrators, and Assigns,
 ' from the Tenth Day of *October* One thousand eight hundred
 ' and twenty-five for the Term of Ninety-nine Years, at the
 ' yearly Rents and subject to the Covenants and Agreements
 ' therein reserved and contained, and on the Part of the
 ' Tenants or Lessees thereof to be observed and performed:
 ' And whereas by an Indenture bearing Date the Seventeenth
 ' Day of *May* One thousand eight hundred and twenty-six, and
 ' made or expressed to be made between the said Duke of *York*
 ' of the one Part, and Sir *Coutts Trotter* Baronet and *Edward*
 ' *Marjoribanks* of the other Part, the said Piece or Parcel of
 ' Ground, Messuage or Tenement, and Premises comprised in
 ' and demised by the said Indenture of Lease of the Eighteenth
 ' Day of *March* One thousand eight hundred and twenty-six,
 ' were demised by the said Duke unto the said Sir *Coutts Trot-*
 ' *ter* and *Edward Marjoribanks*, their Executors, Administrators,
 ' and Assigns, from the Tenth Day of *October*. One thousand
 ' eight hundred and twenty-five for the Term of Ninety-eight
 ' Years then next ensuing, subject nevertheless to a Proviso
 ' therein contained for Redemption of the said Hereditaments
 ' on Payment by the said Duke, his Heirs, Executors, or Admi-
 ' nistrators, unto the said Sir *Coutts Trotter* and *Edward Marjo-*
 ' *ribanks*, of the Sum of Thirty thousand Pounds, and Interest
 ' for the same after the Rate and on or at the Days and Times
 ' and in Manner therein mentioned: And whereas the said Duke
 ' of *York* signed a Memorandum in Writing, bearing Date the
 ' Tenth Day of *July* One thousand eight hundred and twenty-
 ' six, and thereby (after stating that the Lords Commissioners of
 ' His Majesty's Treasury had advanced him the Two several
 ' Sums

Sums of Ten thousand Pounds) did engage, upon Request, to execute a Security for those Two Sums on his House and Premises in the *Stable Yard*, payable at the End of Six Months from the Date thereof, with Interest at Five *per Centum*; and he did further agree, that in case their Lordships should pay off the existing Mortgage of Thirty thousand Pounds, and advance him the further Sums necessary to the Completion of his said House, and on Security thereof, that he would enter into an Engagement, in case he should be disposed to part with the same before the Money to be secured thereon, should be paid off, but not otherwise, to give them the Option of purchasing, at a Valuation of Two indifferent Persons, One to be chosen by each Party; and also, that in case he should not pay off the Money so to be secured in his Lifetime, then that his Representatives should offer his said House and Premises to the said Lords Commissioners for Sale upon the same Terms: And whereas the said Lords Commissioners advanced to the said Duke of *York* divers other Sums of Money, and for which Advances the said Duke of *York* signed Receipts, thereby acknowledging that he had received the same Sums respectively from the Lords Commissioners of His Majesty's Treasury on account of the Sum they had agreed to advance him for the Completion of his House in the *Stable Yard*, and for which he thereby acknowledged he was to give them Security thereon: And whereas the said Duke of *York* duly made and published his last Will and Testament in Writing, bearing Date on or about the Twenty-sixth Day of *December* One thousand eight hundred and twenty-six, and thereof appointed Sir *Herbert Taylor* and Sir *Benjamin Charles Stephenson* Executors; and the said Duke died on the Fifth Day of *January* One thousand eight hundred and twenty-seven without having revoked or altered his said Will, which was proved by the said Sir *Herbert Taylor* and Sir *Benjamin Charles Stephenson* in the Prerogative Court of the Archbishop of *Canterbury*: And whereas no Assignment by way of Mortgage for securing the said last-mentioned Sum of Thirty thousand Pounds and Interest upon the said Mansion and Premises comprised in and demised by the herein-before recited Indenture of the Eighteenth Day of *March* One thousand eight hundred and twenty-six, pursuant to the Declaration for that Purpose contained in the herein-before recited Indenture of the Seventeenth Day of *March* One thousand eight hundred and twenty-six, was made to the said *Charles Greenwood*, *Richard Henry Cox*, and *Charles Hammersley*, or any of them: And whereas by an Indenture bearing Date the Thirty-first Day of *March* One thousand eight hundred and twenty-seven, and made between the said Sir *Coutts Trotter* and *Edward Marjoribanks* of the First Part, the said *Charles Arbuthnot*, *William Dacres Adams*, and *Henry Dawkins* of the Second Part, and the King's most Excellent Majesty of the Third Part, after reciting the herein-before recited Indenture of Lease of the Eighteenth Day of *March* One thousand eight hundred and twenty-six, and the herein-

Will, 26th December 1826.

Death, 5th Jan. 1827.

Assignment of Mortgage, 31st March 1827.

before

Treasury War-
rant, 11th Dec.
1827.

' before recited Indenture of the Seventeenth Day of *May* One
 ' thousand eight hundred and twenty-six; and that the said
 ' Principal Sum of Thirty thousand Pounds remained due upon
 ' the Security of the herein-before recited Indenture of Mort-
 ' gage, with Interest for the same from the Day of the Date of
 ' the said Indenture of Mortgage, in consideration of the Sum
 ' of Thirty-one thousand one hundred and sixteen Pounds
 ' Nineteen Shillings and Eight-pence to the said *Sir Coutts*
 ' *Trotter* and *Edward Marjoribanks* paid by the said *Charles*
 ' *Arbuthnot*, *William Dacres Adams*, and *Henry Dawkins* out of
 ' the Monies in their Hands arising from the Land Revenues
 ' of the Crown, the said *Sir Coutts Trotter* and *Edward Marjori-*
 ' *banks* did assign unto the said *Charles Arbuthnot*, *William Dacres*
 ' *Adams*, and *Henry Dawkins*, their Executors, Administrators,
 ' and Assigns, the said Hereditaments comprised in and demised
 ' by the said Indenture of Mortgage of the Seventeenth Day of
 ' *May* One thousand eight hundred and twenty-six, unto the
 ' said *Charles Arbuthnot*, *William Dacres Adams*, and *Henry*
 ' *Dawkins*, their Executors, Administrators, and Assigns, for
 ' all the Residue of the said Term of Ninety-eight Years by the
 ' said Indenture of Mortgage granted therein as aforesaid,
 ' subject nevertheless to the same or the like Right and
 ' Benefit of Redemption as the said Premises were then subject
 ' to under or by virtue of the said Indenture of Mortgage;
 ' and the said *Sir Coutts Trotter* and *Edward Marjoribanks* did
 ' also assign unto the said *Charles Arbuthnot*, *William Dacres*
 ' *Adams*, and *Henry Dawkins*, their Executors, Administrators,
 ' and Assigns, the said Sum of Thirty thousand Pounds, so
 ' secured to them by the said Indenture of Mortgage of the
 ' Seventeenth Day of *May* One thousand eight hundred and
 ' twenty-six, and all Interest then due and payable or to become
 ' due and payable for or in respect of the same, upon Trust for
 ' the King's Majesty, His Heirs and Successors: And whereas
 ' by a Warrant under the Hands of Three of the Commissioners
 ' of His Majesty's Treasury, bearing Date the Eleventh Day of
 ' *December* One thousand eight hundred and twenty-seven, di-
 ' rected to the Commissioners of His Majesty's Woods, Forests,
 ' and Land Revenues, the said Commissioners of the Treasury
 ' authorized and required the said Commissioners of Woods,
 ' Forests, and Land Revenues to purchase, at the Price of
 ' Eighty-one thousand nine hundred and thirteen Pounds, the
 ' aforesaid Crown Lease dated the Eighteenth Day of *March*
 ' One thousand eight hundred and twenty-six and the Premises
 ' in the said Lease comprised, and to cause the said Lease and
 ' Premises to be vested in a Trustee for His Majesty, in order
 ' that such Trustee might thereafter assign the said Lease and
 ' Premises as the Commissioners for the Time being of His Ma-
 ' jesty's Treasury should direct: And whereas the said *Charles*
 ' *Arbuthnot*, *William Dacres Adams*, and *Henry Dawkins*, as such
 ' Commissioners as aforesaid, agreed with the said *Sir Herbert*
 ' *Taylor* and *Sir Benjamin Charles Stephenson* (as such Executors
 ' as aforesaid) for the Purchase of the said Premises comprised
 ' in and demised by the said Indenture of Lease of the

' Eighteenth Day of *March* One thousand eight hundred and
 ' twenty-six, for the Sum of Eighty-one thousand nine hundred
 ' and thirteen Pounds, being the Value put upon the same Pre-
 ' mises by Two Referees respectively appointed to value the
 ' same on the Part of the said Commissioners of His Majesty's
 ' Woods, Forests, and Land Revenues and of the said Executors
 ' of the said Duke of *York*: And whereas, on or about the
 ' Fourteenth Day of *February* One thousand eight hundred and
 ' twenty-eight, the said *Charles Arbuthnot, William Dacres Adams,*
 ' and *Henry Dawkins,* as such Commissioners as aforesaid, in
 ' obedience to a Warrant from the said Commissioners of the
 ' Treasury, contracted with the late Duke of *Sutherland* for
 ' Sale to him, for the Sum of Seventy-two thousand Pounds,
 ' of the said Mansion and Premises which had been so agreed
 ' to be purchased by them of the Executors of the said Duke
 ' of *York*, as from the Twenty-fifth Day of *March* One thousand
 ' eight hundred and twenty-eight: And whereas on or about
 ' the Thirty-first Day of *January* One thousand eight hundred
 ' and twenty-seven the said *Charles Greenwood, Richard Henry*
 ' *Cox,* and *Charles Hammersley* filed their Bill in the High
 ' Court of Chancery on behalf of themselves and all other the
 ' Creditors of the said Duke of *York* who should come in and
 ' contribute to the Expence of the said Suit against the said
 ' Sir *Herbert Taylor* and Sir *Benjamin Charles Stephenson* (as
 ' such Executors as aforesaid), and against Her Royal High-
 ' ness the Princess *Sophia,* the said *Charles Greenwood, Richard*
 ' *Henry Cox,* and *Charles Hammersley* thereby claiming to be
 ' paid out of the Personal Estate of the said Duke of *York*
 ' (amongst other Sums) the said Sum of Thirty thousand
 ' Pounds, which was so due and owing to them the said *Charles*
 ' *Greenwood, Richard Henry Cox,* and *Charles Hammersley* at
 ' the Time of the Decease of the said Duke of *York,* as herein-
 ' before is recited, with an Arrear of Interest thereon: And
 ' whereas a Decree hath been made in the said Suit for taking
 ' the usual Accounts of the Estate and Effects of the said Duke
 ' of *York,* and the said Suit is still pending: And whereas the
 ' said *Charles Greenwood* departed this Life on or about the
 ' Twenty-fifth Day of *January* One thousand eight hundred
 ' and thirty-two, having duly made and published his last Will
 ' and Testament in Writing, bearing Date on or about the
 ' Twenty-sixth Day of *November* One thousand eight hundred
 ' and thirty, whereby he appointed the said *Charles Hammer-*
 ' *sley* the sole Executor thereof; and the same was duly proved
 ' by the said *Charles Hammersley* in the Prerogative Court of
 ' the Archbishop of *Canterbury* on the Third Day of *March*
 ' One thousand eight hundred and thirty-two: And whereas,
 ' before filing of the Bill in Chancery next herein-after recited,
 ' the Right and Interest of the said *Charles Greenwood* in and
 ' to the said Sum of Thirty thousand Pounds and Interest
 ' secured to the said *Charles Greenwood, Richard Henry Cox,*
 ' and *Charles Hammersley* as aforesaid, and the said Security for
 ' the same, became vested in the said *Richard Henry Cox* and
 ' *Charles*

Contract of
 Sale, 14th Feb.
 1828.

Bill in Chan-
 cery, 31st Jan.
 1827.

Death of Mr.
 Greenwood,
 25th Jan. 1832.

Bill in Chan-
cery, 9th Feb.
1832.

Decree,
25th July 1834.

Assignment,
18th June 1835.

‘ *Charles Hammersley*, as surviving Partners of the said *Charles Greenwood* : And whereas on or about the Ninth Day of *February* One thousand eight hundred and thirty-two the said *Richard Henry Cox* and *Charles Hammersley* filed another Bill in the High Court of Chancery against the said *Charles Arbutnot*, *William Dacres Adams*, and *Henry Dawkins*, Sir *Herbert Taylor*, and Sir *Benjamin Charles Stephenson*, the said Duke of *Sutherland*, and His Majesty’s Attorney General, in order that it might be declared that by virtue of the Declaration to that Effect contained in the said Indenture of the Seventeenth Day of *March* One thousand eight hundred and twenty-six the said Sum of Thirty thousand Pounds and Interest so due to the said *Richard Henry Cox* and *Charles Hammersley* as aforesaid was charged as a Second Mortgage or Security on the said Premises comprised in the said Indenture of Lease of the Eighteenth Day of *March* One thousand eight hundred and twenty-six for the Term thereby demised, and otherwise as therein mentioned : And whereas by a Decree made in the last-mentioned Cause by the Master of the Rolls on the Twenty-fifth Day of *July* One thousand eight hundred and thirty-four it was ordered, by the Consent of all Parties to the said Suit, and His Majesty’s Attorney General, by his Counsel, informing the Court, amongst other things, that the Lords Commissioners of His Majesty’s Treasury, on behalf of His Majesty, were desirous of paying off the Principal, Interest, and Costs therein-after directed, upon the Terms and Conditions therein-after mentioned, and to provide the necessary Funds for that Purpose, and had directed the Commissioners of His Majesty’s Woods, Forests, Land Revenues, Works, and Buildings, on behalf of His Majesty, out of the Funds of that Department, to advance and pay the same accordingly, it was ordered that the Commissioners of His Majesty’s Woods, Forests, Land Revenues, Works, and Buildings for the Time being, on behalf of His Majesty, should be at liberty to pay the Thirty thousand Pounds and Interest to the Plaintiffs in discharge of the Mortgage in the Pleadings mentioned : And whereas by an Indenture bearing Date the Eighteenth Day of *June* One thousand eight hundred and thirty-five, and made or expressed to be made between the said *Richard Henry Cox* and *Charles Hammersley* of the First Part, the said *Charles Hammersley* of the Second Part, *John William Baron Duncannon*, Sir *Benjamin Charles Stephenson*, and *Alexander Milne* of the Third Part, His Majesty’s Attorney General of the Fourth Part, and the said Sir *Herbert Taylor* and Sir *Benjamin Charles Stephenson* of the Fifth Part, after reciting, amongst other Things, to the Effect herein-before recited, and that there was then due in respect of the Interest which had accrued on the said Sum of Thirty thousand Pounds, by the said Decree ordered to be paid as aforesaid, the Sum of Thirteen thousand eight hundred and seventy-five Pounds, and which Sum of Thirteen thousand eight hundred and seventy-five

‘ Pounds and the said Sum of Thirty thousand Pounds
 ‘ amounted together to the Sum of Forty-three thousand eight
 ‘ hundred and seventy-five Pounds, and that in pursuance of
 ‘ the said Decree, and of such Direction of the said Lords
 ‘ Commissioners of His Majesty’s Treasury as aforesaid, they
 ‘ the said *John William* Baron *Duncannon*, *Sir Benjamin Charles*
 ‘ *Stephenson*, and *Alexander Milne*, as such Commissioners as
 ‘ aforesaid, had, out of the Funds of the Crown in their De-
 ‘ partment, paid to the said *Richard Henry Cox* and *Charles*
 ‘ *Hammersley*, with the Privity and Approbation of the said
 ‘ *Charles Hammersley*, as such Executor as aforesaid, the Sum of
 ‘ Forty-three thousand eight hundred and seventy-five Pounds
 ‘ in full for all Monies due on the Security of the said Indenture
 ‘ of the Seventeenth Day of *March* One thousand eight hundred
 ‘ and twenty-six, it was by the said Indenture now in recital wit-
 ‘ nessed, that in obedience to the said Decree the said *Richard*
 ‘ *Henry Cox* and *Charles Hammersley*, by the Direction of the
 ‘ Attorney General, did assign unto the said *John William* Baron
 ‘ *Duncannon*, *Sir Benjamin Charles Stephenson*, and *Alexander*
 ‘ *Milne* the said Principal Sum of Thirty thousand Pounds so
 ‘ secured by the Declaration contained in the said Indenture of
 ‘ the Seventeenth Day of *March* One thousand eight hundred
 ‘ and twenty-six, and all Interest then due or thereafter to
 ‘ become due thereon, in Trust for the King’s Majesty, His
 ‘ Heirs and Successors, and did also assign unto the said *John*
 ‘ *William* Baron *Duncannon*, *Sir Benjamin Charles Stephenson*,
 ‘ and *Alexander Milne* the said Mansion and Premises com-
 ‘ prised in the said Indenture of the Eighteenth Day of *March*
 ‘ One thousand eight hundred and twenty-six, for all the Term
 ‘ of Years, Estate, and Interest to which, under or by virtue of
 ‘ the said Indenture of the Seventeenth Day of *March* One
 ‘ thousand eight hundred and twenty-six, or otherwise, the said
 ‘ *Richard Henry Cox* and *Charles Hammersley* were entitled
 ‘ therein, subject to the said Indenture of Mortgage to the said
 ‘ *Sir Coutts Trotter* and *Edward Marjoribanks*, for securing the
 ‘ said Sum of Thirty thousand Pounds, and also subject to
 ‘ such Title and Equity of Redemption as the said Premises
 ‘ were then subject or liable to under or by virtue of the said
 ‘ Indenture of the Seventeenth Day of *March* One thousand
 ‘ eight hundred and twenty-six, in Trust for the King’s Ma-
 ‘ jesty, His Heirs and Successors: And whereas no Part of the
 ‘ several Sums of Money advanced by the Commissioners of the
 ‘ Treasury to the said Duke of *York*, or which were advanced
 ‘ for the Purpose of paying off the said Mortgages or Charges
 ‘ as aforesaid, has yet been paid: And whereas the said *Sir*
 ‘ *Herbert Taylor* and the said *Sir Benjamin Charles Stephenson*
 ‘ have both departed this Life: And whereas the said late
 ‘ Duke of *Sutherland* by his Will (which was duly proved in
 ‘ the Prerogative Court of *Canterbury*), after certain specific
 ‘ Bequests, gave all his residuary Personal Estate to his Son
 ‘ *George Granville* now Duke and Earl of *Sutherland*, and
 ‘ appointed him sole Executor of his said Will: And whereas

' no Account hath been agreed on between the personal Re-
 ' presentatives of the said Duke of York and the Crown of the
 ' Monies due from the Estate of the said Duke of York in
 ' respect of the Rent of the said Leasehold Premises, and for
 ' the Principal Monies and Interest advanced by the Crown to
 ' the said Duke of York, and for the paying off the said Mort-
 ' gages or Charges as aforesaid, and for the Principal Monies
 ' and Interest payable by the Crown to the personal Represen-
 ' tatives of the Duke of York, under the aforesaid Contract, for
 ' the Purchase of the aforesaid Crown Lease of the Eighteenth
 ' Day of March One thousand eight hundred and twenty-six,
 ' so agreed to be purchased for the Sum of Eighty-one thou-
 ' sand nine hundred and thirteen Pounds, and the Accounts
 ' between the personal Representatives of the said Duke of
 ' York and the Crown cannot be finally adjusted until the said
 ' Accounts shall have been taken, under the Sanction of the
 ' Court of Chancery in the said first-mentioned Suit: And
 ' whereas in the said Contract so entered into with the said
 ' late Duke of Sutherland it was agreed that until the said
 ' Contract should be completed the said Sum of Seventy-two
 ' thousand Pounds should be invested in the Purchase of
 ' Exchequer Bills on the Account and for the Benefit of the
 ' Crown, and that the said late Duke of Sutherland should be
 ' let into Possession of the said Capital Messuage and Here-
 ' ditaments comprised in the said Lease, and accordingly the
 ' said Sum of Seventy-two thousand Pounds was so invested,
 ' and the late Duke of Sutherland was thereupon let into the
 ' Possession of the said Capital Messuage and Premises: And
 ' whereas by reason of the said Accounts between the Crown
 ' and the personal Representatives of the said Duke of York not
 ' having been adjusted the said Contract for the Purchase of
 ' the aforesaid Lease, and the Sale thereof in pursuance of the
 ' said Contract of the Fourteenth Day of February One thou-
 ' sand eight hundred and twenty-eight, cannot now be com-
 ' pleted, but on the Part of the Crown a large Balance is
 ' claimed to be due to the Crown, after making Allowance for
 ' all Monies due from the Crown to the Estate of the said Duke
 ' of York: And whereas it is expedient that the said Contract
 ' for the Sale of the said Leasehold Mansion and Premises so
 ' entered into with the late Duke of Sutherland should be forth-
 ' with completed, and that the Monies to arise from the Sale of
 ' the Exchequer Bills wherein the said Sum of Seventy-two
 ' thousand Pounds was invested, and all Accumulations thereof,
 ' should be applicable, as after mentioned, to the Purchase of
 ' certain Lands for a Royal Park: Now therefore may it please
 Your Majesty that it may be enacted; and be it enacted by the
 Queen's most Excellent Majesty, by and with the Advice and
 Consent of the Lords Spiritual and Temporal, and Commons,
 in this present Parliament assembled, and by the Authority of
 the same, That it shall be lawful for Her Majesty's Commis-
 sioners of Woods, Forests, Land Revenues, Works, and Build-
 ings for the Time being, by the Direction of the Lord High
 Treasurer

Commissioners
 of Woods may
 assign the
 Lease of York

Treasurer or the Commissioners for executing the Office of Lord High Treasurer of the United Kingdom of *Great Britain and Ireland*, or any Three or more of them, for the Time being, to complete the said Contract so entered into with the said late Duke of *Sutherland*, and for that Purpose to assign unto the said *George Granville* now Duke and Earl of *Sutherland*, as such Executor as aforesaid of the said late Duke of *Sutherland*, or unto other the personal Representative or Representatives of the said late Duke of *Sutherland* for the Time being, the said Capital Message or Tenement and other the Hereditaments and Premises comprised in the aforesaid Crown Lease of the Eighteenth Day of *March* One thousand eight hundred and twenty-six, for all the Residue which shall be to come of the Term of Ninety-nine Years thereby created, subject to the Payment of the Rent and Observance and Performance of the Covenants and Agreements in the same Indenture of Lease reserved and contained, and on the Part of the Lessee to be paid, observed, and performed, as from the said Twenty-fifth Day of *March* One thousand eight hundred and twenty-eight, but freed and discharged from all Estate, Right, Interest, Lien, Claim, or Demand therein or thereupon by the personal Representative or personal Representatives for the Time being of the said Duke of *York*, or any Person or Persons interested or to be interested in the Administration of his Estate and Effects, on receiving the said Exchequer Bills, and all Accumulations thereon, and all Exchequer Bills wherein the same may have been invested; and the Acknowledgments of Her said Majesty's Commissioners of Woods, Forests, Land Revenues, Works, and Buildings of the Receipt of the said Exchequer Bills and Monies shall be a sufficient Discharge to the said *George Granville* Duke and Earl of *Sutherland*, his Executors, Administrators, or Assigns, or other the personal Representative or Representatives of the said late Duke of *Sutherland*, to whom the said Premises shall be assigned, and also to all and every Persons and Person in whose Possession, Custody, or Power the said Exchequer Bills and Monies are or shall be.

II. And be it enacted, That it shall be lawful for all Persons in whom the said Message or Tenement and Premises comprised in the said Crown Lease of the Eighteenth Day of *March* One thousand eight hundred and twenty-six, or any Parts thereof, or any Interest therein, are or is or shall be vested, in Trust for the Crown, and they and he are and is hereby directed and required, to join in any Assignment of the said Crown Lease, as Her Majesty's Commissioners of Woods, Forests, Land Revenues, Works, and Buildings shall order or direct; and that after such Assignment by the said Commissioners, and by such Trustees or Trustee for the Crown as aforesaid, and without any Assignment by the personal Representative or personal Representatives of the said Duke of *York*, the said Capital Message and Premises shall be absolutely and vested at Law in Equity in the said Duke of *Sutherland*, or other the Person or Persons to whom the said Capital Message

House to the
Duke of Suther-
land.

Assignment by
Trust.

and Hereditaments shall be so assigned by the said Commissioners as aforesaid, for all the Residue which shall be to come of the said Term of Ninety-nine Years created by the said Indenture of Lease of the Eighteenth Day of *March* One thousand eight hundred and twenty-six, freed from all Claim and Demand whatsoever of or by the personal Representative or personal Representatives of the said Duke of *York*, or of or by any Persons or Person interested or to be interested in the Administration of the Estate and Effects of the said Duke of *York*, and also freed and discharged from all Claims and Demands whatsoever of Her Majesty, Her Heirs and Successors (other than and in respect of the Rent, Covenants, Proviso'es, or Agreements in the said Indenture of Lease reserved and contained, and on the Tenant's or Lessee's Part to be paid and performed, from and subsequent to the said Twenty-fifth Day of *March* One thousand eight hundred and twenty-eight): Provided nevertheless, that notwithstanding any such Assignment so to be made to the said *George Granville* now Duke and Earl of *Sutherland*, or other the personal Representative or Representatives of the said late Duke of *Sutherland* as aforesaid, or any thing herein contained, the Rights or Interests of Her Majesty, Her Heirs or Successors, as against the Estate and Effects of the said Duke of *York*, and any Lien or Charge for the Payment of any Monies which are due or may ultimately be found due from the Estate and Effects of the said Duke of *York*, on taking such Accounts as aforesaid, shall in all respects (except as against the said *George Granville* Duke and Earl of *Sutherland*, or other the Person or Persons to whom such Assignment as aforesaid shall be made, and his, her, or their Executors, Administrators, or Assigns,) remain as if the said Assignment had not been made; and that the said Assignment so to be made as aforesaid shall not (except as against the said *George Granville* Duke and Earl of *Sutherland*, or other the Person or Persons to whom such Assignments as aforesaid shall be made, and his, her, or their Executors, Administrators, and Assigns,) in anywise prejudice the Rights or Interests of the personal Representative or personal Representatives of the said Duke of *York*, or of any Person or Persons interested or to be interested in the Administration of the Estate and Effects of the said Duke of *York*, to any Monies which may be due from Her Majesty under the aforesaid Contract for the Purchase of the said Crown Lease; and that all Monies, if any, which may on a Balance of Accounts be found due from Her Majesty, Her Heirs or Successors, to the Estate of the said Duke of *York*, shall be no longer charged and chargeable on the aforesaid Crown Lease of the Eighteenth Day of *March* One thousand eight hundred and twenty-six, or the Messuage and Premises thereby demised, or any Part thereof, but all such Monies (if any) shall be chargeable and charged on the other Hereditary Land Revenue of the Crown, and shall be paid by Her Majesty's Commissioners of Woods, Forests, Land Revenues, Works, and Buildings out of any Monies which

which may from Time to Time be at their Disposal; and that as regards the said Accounts between the Crown and the Estate of the said Duke of York, the same shall be taken and adjusted in all respects as if the said Crown Lease had not been assigned in pursuance of the Provisions of this Act, and as if this Act had not passed.

III. And be it enacted, That Her Majesty's Commissioners of Woods, Forests, Land Revenues, Works, and Buildings for the Time being may, by the Direction of the Lord High Treasurer, or the Commissioners for executing the Office of Lord High Treasurer, or any Three or more of them, for the Time being, lay out all or any Part of the Money to arise from the Sale of the said Exchequer Bills to be received as aforesaid on the Assignment of the said Messuage and Hereditaments to be assigned as aforesaid in the Purchase of certain Lands or Hereditaments containing about Two hundred and ninety Acres, with the several Houses and Buildings thereon, situate in the Parishes of *Saint John Hackney*, *Saint Matthew Bethnal Green*, and *Saint Mary Stratford-le-Bow*, or some or One of them, bounded on or towards the South-east by the *Stour* Navigation, otherwise *Sir George Duckett's Canal*; on or toward the North-east by a Lane or Road called "*The Old Ford Lane*, or *Wick Lane*;" on or towards the North by *Hackney Wick*; on or towards the North-west by *Grove Street Lane* and *Grove Street, Valentine Corner*, and by Lands belonging to *Sir John Cass's Charity* and *Saint Thomas's Hospital*; on or towards the West by Lands late the Property of *Nathaniel Fenn*, *John Scott*, and others, and by the Regent's Canal; and including also a Piece or Parcel of Ground, with certain Erections and Buildings thereon, situate on or towards the South or South-west Side of the Regent's Canal, and called or known by the Name of *Bonnors Hall Field*; and such Lands and Hereditaments, when purchased, shall be conveyed and assured to Her Majesty, Her Heirs and Successors, and when so conveyed shall for ever thereafter be taken and be a Royal Park, by the Name of "*Victoria Park*," and Part and Parcel of the Possessions and Land Revenues of Her Majesty in right of the Crown; and all Laws, Provisions, and Regulations now in force or hereafter to be in force with respect to Royal Parks shall be taken to extend and apply to such Park, except that Her Majesty's Commissioners of Woods, Forests, Land Revenues, Works, and Buildings for the Time being may, in such Manner as by Law is provided with regard to the Hereditary Revenues of the Crown (not being Royal Parks), lease any Part of the said Royal Park, not exceeding in the whole One Fourth Part, for the Purposes of the same being used as Sites for Dwelling Houses or ornamental Buildings, and the Offices and Gardens thereto to be annexed; and that all and whatsoever the Powers and Provisions with regard to Leases to be granted by Her Majesty's Commissioners of Woods, Forests, Land Revenues, Works, and Buildings, of the Hereditary Revenues of the

Purchase of
Lands for a
Royal Park in
Parishes of
Hackney, &c.

Crown, shall extend to such Part or Parts of the said Park so to be leased as aforesaid.

For laying out,
planting, &c.
the Park.

IV. And be it enacted, That the said Commissioners of Woods, Forests, Land Revenues, Works, and Buildings may, by and out of the aforesaid Monies, by such Direction as is before mentioned with regard to such Purchase as aforesaid, lay out, plant, and enclose the said Park, and build any Lodge or Lodges or other ornamental Buildings therein, and in such Manner as they shall think fit, and may cause any of the Buildings which shall be on the Hereditaments so to be purchased to be pulled down, and apply the Produce of the Sale of the Materials in any of the Purposes aforesaid.

Application of
Surplus.

V. And be it enacted, That as regards the Surplus of any Monies to arise from the said Exchequer Bills, and which may not be applied for the Purposes aforesaid, the same shall be applied in the same Manner as Monies arising from the Income of the Land Revenues of the Crown are by Law applicable.

Powers of
10 G. 4. c. 50.
and 2 & 3 W. 4.
c. 1. extended
to this Act.

VI. And be it enacted, That all and singular the Powers and Provisions for enabling incapacitated Persons and Bodies Politic or Corporate to sell and convey to Her Majesty, Her Heirs and Successors, and the Provisions as to the Exemptions from Stamp Duty, which are contained or referred to in and by an Act passed in the Tenth Year of the Reign of His Majesty King George the Fourth, intituled *An Act to consolidate and amend the Laws relating to the Management and Improvement of His Majesty's Woods, Forests, Parks, and Chases; of the Land Revenue of the Crown within the Survey of the Exchequer in England; and of the Land Revenue of the Crown in Ireland; and for extending certain Provisions relating to the same to the Isles of Man and Alderney*, or in and by another Act passed in the Second Year of the Reign of His late Majesty King William the Fourth, intituled *An Act for uniting the Office of the Surveyor General of His Majesty's Works and Public Buildings with the Office of the Commissioners of His Majesty's Woods, Forests, and Land Revenues; and for other Purposes relating to the Land Revenues*, or any of them, shall be taken to extend and apply to any Lands or Hereditaments which it may be necessary to purchase or lease under the Powers of this Act, and to all Deeds, Agreements, or other Contracts whatsoever which may be made in pursuance of the Powers of this Act.

CAP. XXVIII.

An Act to prevent Plaintiffs in certain frivolous Actions from obtaining their full Costs of Suit.

[21st June 1841.]

3 & 4 Vict. c. 24.

‘ WHEREAS by an Act passed in the last Session of Parliament, intituled *An Act to repeal Part of an Act of the Forty-third Year of the Reign of Queen Elizabeth, intituled ‘ An Act to avoid trifling and frivolous Suits in Law in Her Majesty's Courts in Westminster,’ and of an Act of the Twenty-second and*

‘ Twenty-

‘ *Twenty-third Year of the Reign of King Charles the Second,*
 ‘ *intituled ‘ An Act for laying Impositions on Proceedings at Law ;’*
 ‘ *and to make further Provisions in lieu thereof,* the said Act of
 ‘ the *Forty-third of Elizabeth,* so far as it relates to Costs in
 ‘ Actions of Trespass or Trespass on the Case, and so much of
 ‘ the said Act of the *Twenty-second and Twenty-third of*
 ‘ *Charles the Second* as relates to Costs in personal Actions,
 ‘ was repealed: And whereas it is expedient to remove all
 ‘ Doubt whether Plaintiffs in Actions which had been com-
 ‘ menced, and wherein Verdicts had been returned before the
 ‘ passing of the said Act of the last Session for less Damages
 ‘ than Forty Shillings, may not still be entitled to their full
 ‘ Costs of Suit, contrary to the manifest Intention of the same;’
 be it therefore enacted by the Queen’s most Excellent Majesty,
 by and with the Advice and Consent of the Lords Spiritual and
 Temporal, and Commons, in this present Parliament assembled,
 and by the Authority of the same, That the said Act of the
 last Session shall be and is hereby repealed, so far as the same
 repeals or may be deemed to repeal the said Statute of the
Forty-third of Elizabeth or the said Statute of the *Twenty-second*
 and *Twenty-third of Charles the Second,* in respect to Actions
 wherein Verdicts had been returned before the passing of the
 said Act of the last Session.

Repeal of
 3 & 4 Vict. c. 24.
 as to Actions
 wherein Ver-
 dictis had been
 returned before
 it passed.

II. And be it enacted, and it is hereby enacted and declared,
 That no Plaintiff who had before the passing of the said Act
 of last Session obtained a Verdict for a less Amount of
 Damages than Forty Shillings shall now be entitled to full
 Costs, unless he was so entitled immediately before the passing
 of the said Act of last Session: Provided nevertheless, that if
 any such Plaintiff shall have proceeded, since the passing of
 the said last-mentioned Act, and before the Third Day of *May*
 One thousand eight hundred and forty-one, to tax his full
 Costs on any such Verdict so obtained for less than Forty
 Shillings, nothing in this Act contained shall deprive such
 Plaintiff of any Remedy thereon which he may now have for the
 Recovery thereof; but it shall be lawful for such Court or
 Judge, on the Application of any Defendant in such Action,
 to stay all the Proceedings on such Application, upon Payment
 of such Costs as such Court or Judge shall think fit.

Plaintiff’s Costs
 in case of a
 Verdict for less
 than 40s.

CAP. XXIX.

An Act for granting to Her Majesty, until the Fifth
 Day of *July* One thousand eight hundred and forty-
 two, certain Duties on Sugar imported into the
 United Kingdom for the Service of the Year One
 thousand eight hundred and forty-one.

[21st June 1841.]

‘ Most Gracious Sovereign,
 ‘ WE, Your Majesty’s most dutiful and loyal Subjects, the
 ‘ Commons of the United Kingdom of *Great Britain*
 ‘ and *Ireland,* in Parliament assembled, towards raising the
 ‘ necessary

Duties imposed by 6 & 7 W. 4. c. 26. and 3 & 4 Vict. c. 17. continued till 5th July 1842.

‘ necessary Supplies to defray Your Majesty’s public Expences, ‘ have freely and voluntarily resolved to give and grant unto ‘ Your Majesty the Duties herein-after mentioned ;’ and therefore do most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Duties imposed on Sugar and Molasses by an Act passed in the Sixth and Seventh Years of the Reign of His late Majesty King *William the Fourth*, intituled *An Act for granting to His Majesty, until the Fifth Day of July One thousand eight hundred and thirty-seven, certain Duties on Sugar imported into the United Kingdom, for the Service of the Year One thousand eight hundred and thirty-six*, and by an Act passed in the last Session of Parliament, intituled *An Act for granting to Her Majesty Duties of Customs, Excise, and Assessed Taxes*, shall be further continued until the Fifth Day of *July One thousand eight hundred and forty-two*.

Collection of the Duties.

II. And be it enacted, That the Duties hereby continued shall be collected, paid, and accounted for in such and the like Manner as if the said Duties had been continued to the Fifth Day of *July One thousand eight hundred and forty-two* by the the said first-recited Act.

Bounties on certain Descriptions of refined Sugar.

3 & 4 W. 4. c. 58.

1 & 2 Vict. c. 33.

III. And be it enacted, That the respective Bounties now payable on Sugar by an Act passed in the Third and Fourth Years of the Reign of His said late Majesty, intituled *An Act to grant certain Bounties and Allowances of Customs*, and also by an Act passed in the First and Second Years of the Reign of Her present Majesty, intituled *An Act for granting to Her Majesty, until the Fifth Day of July One thousand eight hundred and thirty-nine, certain Duties on Sugar imported into the United Kingdom, for the Service of the Year One thousand eight hundred and thirty-eight*, shall continue to be allowed and paid so long as the Duties on the Importation of Sugar imposed by the said first-recited Act shall remain in force or be further continued by any Act hereafter to be passed.

Her Majesty may allow the Importation of Sugar the Growth of certain British Possessions at the lower Rate of Duty.

IV. Provided always, and be it enacted, That if at any Time satisfactory Proof shall have been laid before Her Majesty in Council that the Importation of Foreign Sugar into any *British Possession* within the Limits of the *East India Company’s Charter* is prohibited, it shall be lawful for Her Majesty, by and with the Advice of Her Privy Council, or by Her Majesty’s Order in Council to be published from Time to Time in the *London Gazette*, to allow the Importation of Sugar the Growth of any such *British Possession* at the lower Rate of Duty in the said first-recited Act specified, in like Manner and under the same Restrictions and Conditions as Sugar the Growth of the Presidency of *Fort William in Bengal* may be imported subject to a lower Rate of Duty under the Provisions of the said first-recited Act.

V. And be it enacted, That a distinct and separate Account shall be kept in the Office of the Comptroller General of the Receipt and Issue of Her Majesty's Exchequer at *Westminster* of all the Money that shall be paid to the Account of Her Majesty's Exchequer at the Bank of *England* from so much of the said Duties hereby granted on Sugar as shall arise and be payable in *Great Britain*; and it shall be lawful for the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland* to issue and apply the same from Time to Time to such Services as shall then have been voted by the Commons of the United Kingdom of *Great Britain* and *Ireland* in this present Session of Parliament; and so much of the said Duties on Sugar as shall arise and be payable in *Ireland* shall be paid into the Receipt of the Exchequer in *Ireland*, and shall be carried to the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*.

Separate Accounts to be kept in the Exchequer of the Duties arising in *Great Britain*.

Duties arising in *Ireland* to be paid into Exchequer there.

VI. And be it enacted, That it shall be lawful for the said Commissioners of the Treasury, at any Time or Times when they shall think fit so to do, to cause or direct any Number of Exchequer Bills to be made out at the Receipt of the Exchequer at *Westminster* for any Sum or Sums of Money not exceeding in the whole, including any Sum or Sums of Money issued towards the Aids or Supplies in pursuance of this Act, the Sum of Three Millions, in the same or like Manner, Form, and Order, and according to the same or like Rules and Directions, as are directed and prescribed in and by an Act passed in the Forty-eighth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for regulating the issuing and paying off of Exchequer Bills*.

The Treasury may direct Exchequer Bills to be made out not exceeding 3,000,000l.

48 G. 3. c. 1.

VII. And be it enacted, That all and every the Clauses, Provisoos, Powers, Privileges, Advantages, Penalties, Forfeitures, and Disabilities contained in the said recited Act passed in the Forty-eighth Year of the Reign of His Majesty shall be applied and extended to the Exchequer Bills to be made out in pursuance of this Act, as fully and effectually, to all Intents and Purposes, as if the said several Clauses or Provisoos had been particularly repeated and re-enacted in the Body of this Act.

Powers of 48 G. 3. c. 1. extended to this Act.

VIII. And be it enacted, That the Exchequer Bills to be made out in pursuance of this Act shall and may bear an Interest not exceeding the Rate of Four Pounds *per Centum per Annum* upon or in respect of the whole of the Monies respectively contained therein.

Exchequer Bills to bear an Interest.

IX. And be it declared and enacted, That it shall be lawful for the Governor and Company of the Bank of *England* to advance or lend to Her Majesty, by placing to the Account of Her Majesty's Exchequer at the Bank of *England*, upon the Credit of the Exchequer Bills authorized by this Act, any Sum or Sums of Money not exceeding in the whole the Sum of Three Millions, any thing in an Act passed in the Fifth and Sixth Years of the Reign of King *William* and Queen *Mary*,

Bank of England may advance Money on the Credit of this Act, notwithstanding 5 & 6 W. & M. c. 20.

Mary, intituled An Act for granting to Their Majesties several Rates and Duties upon Tonnage of Ships and Vessels, and upon Beer, Ale, and other Liquors; and for securing certain Recompences and Advantages in the said Act mentioned to such Persons as shall voluntarily advance the Sum of One million five hundred thousand Pounds towards carrying on the War against France, or in any subsequent Act, to the contrary thereof in anywise notwithstanding.

Bills to be delivered to the Bank of England as Security for Advances.

X. And be it enacted, That it shall be lawful for the said Commissioners of the Treasury, and they are hereby authorized and empowered, to cause such Bills as shall be prepared by virtue of this Act to be delivered from Time to Time to the Governor and Company of the Bank of *England*, in such Proportions as the Public Service may require, as Security for the Advance or Advances which may be made to Her Majesty by the said Governor and Company of the Bank of *England* under the Authority of this Act.

Exchequer Bills to be charged on the Duties granted by this Act.

XI. And be it enacted, That the Exchequer Bills to be made forth by virtue of this Act, together with the Interest that may become due thereon, shall be and the same are hereby made chargeable and charged upon the Duties granted by this Act; and it shall be lawful for the said Commissioners of the Treasury and they are hereby authorized from Time to Time to direct to be issued to the Paymasters of Exchequer Bills, by way of Imprest and upon Account, such Sums of Money and at such Periods as the said Commissioners shall think necessary for or towards paying off and discharging the Exchequer Bills which shall have been made forth by virtue of this Act, or any of them, and for and towards paying the Interest to become due on the said Bills or any of them.

Money due to be paid out of next Aids.

XII. And be it enacted, That the Monies remaining unsatisfied or not discharged, with the Interest due or to grow due thereon, shall be paid and satisfied out of the next Aid or Aids to be granted in Parliament after the Fifth Day of *July* One thousand eight hundred and forty-two.

Surplus Monies to be carried to Consolidated Fund.

XIII. And be it enacted, That the Surplus of the Monies arising from the Duties granted and imposed by this Act, after paying off and satisfying all the Exchequer Bills issued by virtue of this Act, together with the Interest that may become due thereon, shall, as a Surplus of any such Monies respectively, be carried to and made Part of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*.

Treasurer to allow necessary Charges of making forth new Exchequer Bills.

XIV. And be it enacted, That it shall be lawful for the said Commissioners of the Treasury, or any Three or more of them, for the Time being, and they are hereby authorized and empowered, to pay and allow, or cause to be paid and allowed, out of the Monies to arise of or from the said Duties hereby granted, or of or from the said Consolidated Fund, from Time to Time, the necessary Charges of making forth the Exchequer Bills hereby authorized to be made forth, and such other Charges as shall be necessarily incident to or

for the Execution of this Act, or any Part thereof, in relation to the said Bills; any thing herein contained to the contrary notwithstanding.

XV. Provided always, and be it enacted, That whatever Monies shall be issued out of the said Consolidated Fund shall from Time to Time be replaced by and out of the first Supplies to be thereafter granted by Parliament; any thing herein contained to the contrary notwithstanding.

Monies issued to be replaced out of first Supplies.

XVI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

Act may be amended, &c.

CAP. XXX.

An Act to authorize and facilitate the Completion of a Survey of *Great Britain, Berwick upon Tweed, and the Isle of Man.* [21st June 1841.]

‘ WHEREAS several Counties in that Part of the United Kingdom called *England* have been surveyed by Officers appointed by the Master General and Board of Ordnance, and it is expedient that General Surveys and Maps of *England, Scotland, Berwick upon Tweed, and of the Isle of Man,* should be made and completed by Officers in like Manner appointed, and that the Boundaries of the several Counties in *England and Scotland, and of Berwick upon Tweed and of the Isle of Man,* should be ascertained and marked out:’ Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act, for the Purpose of enabling the Master General and Board of Ordnance to make and complete such Surveys and Maps of *England, Scotland, Berwick upon Tweed, and the Isle of Man,* in manner aforesaid, it shall and may be lawful for the Justices assembled at any Quarter Sessions, or Adjournment thereof, held in and for any County, Riding, or Division in *England, Scotland, Berwick upon Tweed, and the Isle of Man,* upon the Application in Writing of any Officer appointed by the Master General and Board of Ordnance for the Purposes of this Act, such Application to be transmitted to the Clerk of the Peace Fourteen Days at the least before the holding of the Court at which such Application shall be considered, who shall cause Notice of such Application to be inserted in the Newspapers in which County Advertisements are commonly inserted Seven Days at the least before the holding of such Court, to nominate and appoint One or more fit and proper Person or Persons to aid and assist, when required, any Officer appointed as aforesaid in examining, ascertaining, and marking out the reputed Boundaries of each County, City, Borough, Town, Parish,

Justices at Quarter Sessions to appoint Persons to assist in ascertaining the Boundaries of Counties, Cities, Boroughs, &c.

Parish, Burghs Royal, Parliamentary Burghs, Burghs of Regality and Barony, extra-parochial and other Places, Districts, and Divisions, in *England, Scotland, Berwick upon Tweed*, and the *Isle of Man*; and such Person shall from Time to Time act under and obey such Directions as he shall receive from the Officer or other Person appointed by the Master General and Board of Ordnance to make such Surveys and Maps as aforesaid: Provided always, that if any Person shall produce any false, forged, untrue, or fabricated Appointment, every such Person shall forfeit and pay the Sum of Fifty Pounds.

Persons producing fabricated Appointments to forfeit, 50l.

Surveyor, &c. empowered to enter Lands to fix Boundaries.

II. And be it enacted, That for the Execution of the Purposes of this Act it shall and may be lawful for any Person appointed by the Justices as aforesaid, and for any other Person acting in aid and under the Orders of such Person, and for any Officer or Person appointed by or acting under the Orders of the Master General and Board of Ordnance, and they are hereby respectively authorized and empowered, from Time to Time, after Notice in Writing of the Intention of entering shall have been given to the Owner or Occupier, as the Case may be, to enter into and upon any Estate or Property of any County, or of any Body Politic or Corporate, Ecclesiastical or Civil, or into and upon any Land, Ground, or Heritages of any Person or Persons whomsoever, for the Purpose of making and carrying on any Survey authorized by this Act, or by the Order of the Master General and Board of Ordnance, and for the Purpose of fixing any Mark or Object to be used in the Survey, or any Post, Stone, or Boundary Mark whatsoever, and to fix and place any such Object, Post, Stone, or Boundary Mark in any such Estate or Property, Land or Ground, or Heritages, and to dig up any Ground, for the Purpose of fixing any such Object, Post, Stone, or Boundary Mark for such Object or Purpose, and also to enter upon any Estates or Property, Lands, Grounds, or Heritages, through which any such Person appointed by the Justices as aforesaid, and any Officer or other Person appointed by and acting under the Orders of the Master General and Board of Ordnance, shall deem it necessary and proper to carry any Boundary Line for the Purposes of this Act at any reasonable Time in the Day, until the surveying, ascertaining, and marking out of any reputed Boundary Line shall be completed according to the Directions of this Act: Provided always, that in every Case in which it shall be necessary to any Person appointed by the Justices as aforesaid for any Officer or other Person appointed by and acting under the Orders of the Master General and Board of Ordnance, or his or their Assistant or Assistants, to fix any such Object, Post, Stone, or Boundary Mark within any walled Garden, Orchard, or Pleasure Ground, such Person appointed by the Justices aforesaid, or any Officer or other Person appointed by and acting under the Orders of the Master General and Board of Ordnance, or his or their Assistant or Assistants, shall give Three Days Notice to the Occupier of such Garden, Orchard, or Pleasure Ground,

Where it is necessary to fix any Mark in any Garden, &c. the Occupier may employ a Person to fix it.

Ground, of his Intention so to do, and it shall be lawful for such Occupier to employ any Person whom he may think fit to fix such Object, Post, Stone, or Boundary Mark within such Garden, Orchard, or Pleasure Ground, at such Time, in such Place or Places, and in such Manner as such Person appointed by the Justices as aforesaid, or any Officer or other Person appointed by and acting under the Orders of the Master General and Board of Ordnance, or his or their Assistant or Assistants, shall direct: Provided also, that such Person appointed by the Justices as aforesaid, or any Officer or other Person appointed by and acting under the Orders of the Master General and Board of Ordnance, or his or their Assistant or Assistants, and Workmen, shall do as little Damage as may be in the Execution of the several Powers to them granted by this Act, and shall make Satisfaction to the Owners or Occupiers (as the Case may require) of such Lands, Grounds, and Heritages, or Owners of Trees, (as the Case may require,) which shall be any way hurt, damaged, or injured, for all Damages to be by them sustained in or by the Execution of all or any Powers of this Act, in case the same shall be demanded: Provided always, that in case of Dispute between the said Person appointed by the Justices as aforesaid, or any Officer or other Person appointed by and acting under the Orders of the Master General and Board of Ordnance, on the one hand, and the Owner or Occupier (as the Case may be), on the other hand, as to the Amount of Damage sustained, the same shall be ascertained and determined by any Two or more Justices in Petty Sessions assembled of the County in which the Lands, Grounds, Heritages, or Trees may be situate: Provided always, that any Owner or Occupier as aforesaid, who shall think himself aggrieved by the Decision of the Justices, may appeal against such Decision to the Justices of the said County in Quarter Sessions assembled, who shall hear and determine such Appeal, and shall increase or diminish the Amount of Damages awarded by the Justices in Petty Sessions, and shall award Costs for or against the Appellant, as the Justice of the Case shall seem to them to require: Provided always, that such Appeal shall be prosecuted at such Quarter Sessions as shall be holden not less than Twenty-one Days nor more than Four Calendar Months after the Decision of the Justices in Petty Sessions: Provided further, that any Person so appealing shall give Notice to the Clerk of the said Justices in Petty Sessions, within Seven Days of their Decision, of his Intention to appeal against their Decision, and shall enter into sufficient Recognizance to prosecute such Appeal.

Satisfaction to be made for Damages.

Appeal to Quarter Sessions.

III. And be it enacted, That the Amount of the Damages for which Compensation is provided under this Act shall, in *Scotland*, be ascertained and determined by the Sheriff or Steward of the County or Stewartry, whose Decision in the Matter shall be final and conclusive, and not subject to Review, by Suspension, Advocation, Reduction, or otherwise.

Sheriffs in Scotland to settle the Amount of Compensation.

IV. And

Clerk of the Peace of each County shall deliver to Surveyor a List of all the Cities, Towns, Boroughs, Parishes, &c. within the County, on Penalty of 10*l*.

IV. And be it enacted, That the Clerk of the Peace of each and every County shall, within Twenty-one Days after he shall be thereunto required in Writing by any Person appointed by the Justices as aforesaid, or by any Officer or other Person appointed by and acting under the Master General and Board of Ordnance, prepare and deliver to such Person appointed by such Justices as aforesaid, or any Officer or other Person appointed by and acting under the Orders of the Master General and Board of Ordnance, a List containing the Names and Descriptions of the several Hundreds, Cities, Boroughs, Burghs, Towns, Parishes, or other Places within such County; and each such Clerk of the Peace shall be paid by the said Board adequate Remuneration for his Trouble, and for any Expences incurred by him in pursuance of such Requisition; and if any Clerk of the Peace shall refuse or neglect or omit to make or deliver such List, in compliance with the Request of such Surveyor, every such Clerk of the Peace so offending shall forfeit a Sum not exceeding Ten Pounds and not less than Two Pounds, in the Discretion of the Justice or other Judge, Officer, or Court before whom such Offender shall be convicted.

Clerk of the Peace shall attend Surveyor on Twenty Days Notice of defining the Boundaries of Counties, &c.

V. And be it enacted, That for the Purpose of surveying, ascertaining, and marking out the reputed Boundaries of any such County, it shall be lawful for any such Person appointed by such Justices as aforesaid, or any Officer or other Person appointed by and acting under the Orders of the Master General and Board of Ordnance within such County, and such Person appointed by such Justices as aforesaid, or any Officer or other Person appointed by and acting under the Orders of the Master General and Board of Ordnance, is hereby authorized and empowered, by Notice in Writing signed with his Name, and directed and delivered to any such Clerk of the Peace, to require the Attendance of any and every such Clerk of the Peace in or for any and every such County, or in or for any adjoining County, either in the same or any adjoining County, at such Time (not being less than Twenty-one Days after the Date of such Notice) and at such Place as shall be specified in such Notice, and to produce to such Person appointed by such Justices as aforesaid, or such Officer or other Person appointed by and acting under the Master General and Board of Ordnance, any Books, Maps, Papers, or other Documents, in his Custody or Possession as such Clerk of the Peace, which such Person may require for the Purpose of carrying this Act into execution, at which Time and Place every such Clerk of the Peace shall and he is hereby required to attend upon such Person accordingly, and to aid and assist such Person appointed by such Justices as aforesaid, or any Officer or other Person appointed by and acting under the Orders of the Master General and Board of Ordnance, in the Execution of this Act; and in case it shall happen that there shall not be any Clerk of the Peace for any such County or adjoining County, or being such any such Officer shall omit or neglect to attend at the Time and Place mentioned in any such Notice, then and in such Case

On Failure of Clerk of the Peace attending, Two Inhabitants may be

it shall be lawful for any such Person appointed by such Justices as aforesaid, or any Officer or other Person appointed by and acting under the Orders of the Master General and Board of Ordnance, by like Notice, to require any Two or more Inhabitants of any such County to attend in the Place and Stead of such Clerk of the Peace; and every such Inhabitant to whom any such Notice shall be directed and delivered shall and he and they is and are hereby required to attend upon such Person appointed by such Justices as aforesaid, or any Officer or other Person appointed by and acting under the Orders of the Master General and Board of Ordnance, accordingly, and to assist such Person appointed by such Justices as aforesaid, or any Officer or other Person appointed by and acting under the Orders of the Master General and Board of Ordnance, in the Execution of the Purposes of this Act: Provided always, that no Clerk of the Peace shall be obliged to attend as herein directed at such Time or at such Place or in such Manner as shall interfere with the proper Discharge of his ordinary Duties as Clerk of the Peace, nor shall he be called upon to produce any Books, Maps, Papers, or other Documents the Production of which can in any way injuriously affect the Interests of each such County.

VI. And be it enacted, That it shall be lawful for any such Person appointed by such Justices as aforesaid, or any Officer or other Person appointed by and acting under the Orders of the Master General and Board of Ordnance, at the Time mentioned in any such Notice, accompanied by the Clerk of the Peace for the County the reputed Boundaries of which are to be defined and marked out, and by the Clerk of the Peace of any County adjoining thereto, or by such Inhabitants as aforesaid, and such Person appointed by such Justices as aforesaid, or any Officer or other Person appointed by and acting under the Orders of the Master General and Board of Ordnance, Clerk of the Peace, and other Persons, is and are hereby authorized and required to perambulate the Boundaries of such County, for the Purpose of surveying, ascertaining, and marking the same, according to the best of their Power and Information; and for that Purpose it shall be lawful for such Person appointed by such Justices as aforesaid, or any Officer or other Person appointed by and acting under the Orders of the Master General and Board of Ordnance, Clerk of the Peace, and other Persons, to call on any Inhabitant of any such Counties to assist them in so doing; and when it shall appear to such Person appointed by such Justices as aforesaid, or any Officer or other Person appointed by and acting under the Orders of the Master General and Board of Ordnance, that the reputed Boundaries of any such County are sufficiently ascertained, such Boundaries shall be marked out by such Person appointed by such Justices as aforesaid, or any Officer or other Person appointed by and acting under the Orders of the Master General and Board of Ordnance, in such Manner as may be necessary, by the putting down of any Posts, Blocks, or Bolts of Wood,

Boundaries of the Counties to be ascertained, &c., and marked out by Posts, Stones, &c.

Metal, or Stone, or by the affixing of any Marks on or against any Church, Chapel, Bridge, House, or other public or private Building or Post, and with such distinguishing Letters or Figures as such Person appointed by such Justices as aforesaid, or any Officer or other Person appointed by and acting under the Orders of the Master General and Board of Ordnance, shall think fit and proper for the Occasion.

Penalty on removing or defacing Boundary Stones, &c.

VII. And be it enacted, That if any Person not duly authorized shall take away, remove, or displace, or alter the Situation of any Boundary Stone, Post, Block, Bolt, or Mark which shall be set up and placed for the Purposes of this Act, or shall wilfully deface, mutilate, break, or destroy any such Boundary Stone, Post, Block, Bolt, or Mark, every Person so offending shall forfeit and pay a Sum not exceeding Ten Pounds and not less than Two Pounds, in the Discretion of the Justice, or other Judge, Officer, or Court before whom such Offender shall be convicted.

Penalty on obstructing Survey, &c.

VIII. And be it enacted, That if any Person shall wilfully obstruct or hinder any Person appointed by such Justices as aforesaid, or any Officer or other Person appointed by and acting under the Orders of the Master General and Board of Ordnance, in the Execution of his Duty in or about the ascertaining and marking out of the Boundaries of any County under the Provisions of this Act, or shall in any way resist such Person appointed by such Justices as aforesaid, or any Officer or other Person appointed by and acting under the Orders of the Master General and Board of Ordnance, in the Performance of his Duty under this Act, or shall obstruct, hinder, assault, or resist any Clerk of the Peace, or any Workman or other Person acting in aid of any such Person appointed by such Justices as aforesaid, or any Officer or other Person appointed by and acting under the Orders of the Master General and Board of Ordnance, in the Execution of this Act, every Person so offending shall forfeit and pay a Sum not exceeding Ten Pounds and not less than Two Pounds, in the Discretion of the Justice or other Judge or Officer before whom such Offender shall be convicted.

Allowance to Parties, &c. attending to point out Boundaries.

IX. And be it enacted, That every Person who shall, in pursuance of Notice from any Person appointed by such Justices as aforesaid or any Officer or other Person appointed by and acting under the Orders of the Master General and Board of Ordnance, attend and accompany any other Person appointed by such Justices as aforesaid, or any Officer or such Person appointed by and acting under the Orders of the Master General and Board of Ordnance, in the ascertaining, surveying, and marking out the Boundary of any County under the Provisions of this Act, shall receive, and shall be entitled to receive, for his Trouble and Loss of Time, such Sum of Money or Allowance as the Master General and Board of Ordnance shall think fit, for every Day during which such Person shall be employed by or engaged with such Person appointed by such Justices as aforesaid, or any Officer or other Person appointed by

by and acting under the Orders of the Master General and Board of Ordnance, in the Execution of this Act, upon a Certificate to be signed by such Person appointed by such Justices as aforesaid, or any Officer or other Person appointed by and acting under the Orders of the Master General and Board of Ordnance.

X. And be it enacted, That the Amount of Damage sustained by the Occupiers of Grounds, Lands, Heritages, or Owners of Trees, as aforesaid, and the Allowance to be made to the said Person appointed by such Justices as aforesaid, or any Officer or other Person appointed by and acting under the Orders of the Master General and Board of Ordnance, and to such other Persons as aforesaid, shall be paid by the Board of Ordnance out of the Aids granted to such Board by Parliament.

Payments for
Damage how
to be made.

XI. And be it enacted, That if any Clerk of the Peace, or other Person, who shall be summoned or required in manner herein-before directed, by any Person appointed by such Justices as aforesaid, or any Officer or other Person appointed by and acting under the Orders of the Master General and Board of Ordnance, to attend such Person appointed by such Justices as aforesaid, or any Officer or other Person appointed by and acting under the Orders of the Master General and Board of Ordnance, in the Execution of this Act, shall refuse or neglect or omit to attend such Person appointed by such Justices as aforesaid, or any Officer or other Person appointed by and acting under the Orders of the Master General and Board of Ordnance, or shall refuse or neglect or omit to inform and point out, to the best of his Knowledge, to such Person appointed by such Justices as aforesaid, or any Officer or other Person appointed by and acting under the Orders of the Master General and Board of Ordnance, the Boundaries of any County, or shall wilfully make any false Statement or Mis-statement with respect to any such Boundaries, or shall wilfully refuse or neglect or omit to give any Information in the Power of such Clerk of the Peace or other Person to give or afford with respect to any such Boundaries, every such Clerk of the Peace or other Person so offending shall forfeit and pay a Sum not exceeding Ten Pounds and not less than Two Pounds, in the Discretion of the Justices, or other Judge, Officer, or Court before whom such Offender shall be convicted.

Penalty on
Parties, &c. not
attending, or
not pointing
out Boundaries.

XII. And be it enacted, That this present Act, or any Clause, Matter, or Thing herein contained, shall not extend, or be deemed or be construed to extend, to ascertain, define, alter, enlarge, increase or decrease, nor in any way to affect, any Boundary or Boundaries of any County, City, Borough, Town, Parish, Burghs Royal, Parliamentary Burghs, Burghs of Regality and Barony, extra-parochial and other Places, Districts, and Divisions, by whatsoever Denomination the same shall be respectively known or called, nor the Boundary or Boundaries of any Land or Property, with relation to any Owner or Owners, or Claimant or Claimants of any such Land respectively, nor to affect the Title of any such Owner or

Act not to
affect any
Boundaries
or Rights of
Property.

such Boundaries, and aid him in the Execution of this Act: Provided always, that as regards the Boundaries of any Royal or Parliamentary Burgh, City, or Town, the Magistrates and Council thereof shall, upon Application made to them by the Officer appointed by the Master General and Board of Ordinance as aforesaid, appoint a fit and proper Person or Persons to attend him for the Purposes aforesaid; and if any of the Persons to be so appointed by the Sheriff and Magistrates and Council respectively, and accepting the Appointment, shall neglect or refuse to attend and aid in the Execution of this Act in the Manner herein required, such Person shall be liable in the Penalties hereby imposed upon the Clerk of the Peace or other Person neglecting or refusing so to do in *England*.

Duration of Act.

XVIII. And be it enacted, That all the Powers in this Act contained shall cease and determine on the Thirty-first Day of *December* One thousand eight hundred and forty-six.

Act may be amended, &c.

XIX. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

CAP. XXXI.

An Act to provide for the Surrender of Premises formerly used for Court Houses, but no longer used for that Purpose, in *Ireland*. [21st June 1841.]

‘ WHEREAS by an Act passed in the Session of Parliament holden in the Sixth and Seventh Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to consolidate and amend the Laws relating to the Presentment of Public Money by Grand Juries* in *Ireland*, it was among other things provided, that it might be lawful for any Grand Jury, without any previous Application to a Presentment Sessions, to present that any Sum not exceeding One thousand Pounds shall be raised off any County, and paid to the Lessor in any Lease of Premises held for any public Purposes, or the Representatives of such Lessor, as a Consideration for accepting a Surrender of such Lease: And whereas it is expedient to make more ample Provision for the like Purpose;’ be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for the Grand Jury of any County, (for a Court House of which County any Premises were formerly used which are now used no longer for that Purpose, but are held at a Rent which has been hitherto paid by means of Presentments of the Grand Juries of such County,) at any Assizes to be holden for such County in the present Year, or in the Year One thousand eight hundred and forty-two, or in the Year One thousand eight hundred and forty-three, to appoint a Committee, consisting of

not

6&7W.4. c. 116.
s. 88.

Committee of Grand Jurors may be appointed to contract for the Surrender of Premises, comprising former Court Houses no longer used.

not less than Five and not more than Seven of such Grand Jury as aforesaid, for the Purpose of effecting the Surrender of such Premises; and it shall be lawful for such Committee, or the major Part of them, or of the Survivors of them, to enter into an Agreement in Writing with the Person entitled to such Rent and to the Reversion of such Premises, to the Effect that the said Premises shall be valued, and that a Surrender thereof shall be effected, as directed by this Act; and such Agreement shall be thereupon deposited with the Clerk of the Crown for such County, and a true Copy, certified by such Clerk of the Crown, shall be deposited with the Sheriff of such County, One Month before the then next Assizes; and at such Assizes a Jury shall be empannelled before the Judges of Assize for such County, or one of them, consisting of Persons summoned to try Issues of Nisi Prius at such Assizes, and shall try and inquire who is the Person entitled to such Rent and Reversion, and what Rent is payable for the same and every Part thereof, by or on the Part of such County or the Grand Jury thereof, or any Trustee for such County or Grand Jury, and for what Term or Estate the said Premises are held, and in whom the same are vested in Trust for or on behalf of such County or the Grand Jury thereof, and what is the annual Value of such Premises, estimated at the Rent at which the same might be reasonably expected to let for the Term or Interest in respect of which such Rent is payable; and the Finding of such Jury shall be entered upon Parchment, and filed with the Clerk of the Crown of such County, and kept by him among the County Records; and in case such Jury shall not find that the Person by or on behalf of whom such Agreement shall be entered into under the Provisions of this Act is entitled to such Rent and Reversion, no further Proceedings shall be taken under this Act founded on such Agreement.

The Person entitled to the Rent, and the present annual Value of the Premises, to be ascertained by a Jury before a Judge of Assize.

II. And be it enacted, That it shall be lawful for any Guardian, Husband, or Committee of any Infant, Feme Covert, Idiot, or Lunatic, to apply, if he shall think fit, in a summary Way, by Petition to Her Majesty's Court of Chancery or Exchequer in *Ireland*, for Leave to enter into any Agreement or Agreements under this Act; and the Court shall have Power to inquire into the Propriety of giving such Leave, and to make such Order on any such Petition as to the Court shall seem meet; and if the Court shall give such Leave as aforesaid then it shall be lawful for the Person who shall have presented the Petition to enter into any such Agreement or Agreements, and the same shall be as binding and effectual, to all Intents and Purposes whatsoever, as if the Person giving the same had been the sole absolute Proprietor of the Land, Premises, or Rent, and Reversion, in respect of which such Agreement or Agreements shall be entered into.

Guardians, Husbands, and Committees of Infants, Femes Covert, and Lunatics empowered to contract, with Leave of the Court of Chancery.

III. And be it enacted, That it shall be lawful for such Committee, or the major Part of them, to agree with the Person entitled to such Rent and Reversion for the Surrender of such Premises, for any Sum which the said Committee, or

Committee empowered to agree for the Surrender of the Premises; the Amount to be paid for such

Surrender not to exceed 20 Years Purchase of the Difference between the yearly Rent of the Premises and the annual Value found by the Jury.

the major Part of them, shall deem reasonable, not exceeding Twenty Years Purchase of the Amount of the Difference between such yearly Value to be so found by such Jury, and the Amount of the Rent at which such Premises shall be so held; and it shall be lawful for the Grand Jury of such County, at the same Assizes at which such Finding shall be had, or at the next ensuing Assizes, to consider such Agreement as last aforesaid, and to approve or reject the same, and, if they shall think fit, to present, with the Approbation of the Judges of Assize, or one of them, the Sum so agreed on, and the Costs and Expences of any necessary Proceedings for carrying this Act into execution in relation to such Premises; and such Sum shall be paid or lodged, as by this Act directed, by the Treasurer of such County, as directed by the said Committee; and upon Payment of the Sum so agreed on to the Person who by such Finding of the Jury shall be found so entitled to such Rent or Reversion, or on the Payment or Lodgment thereof in Court as herein-after directed, such Rent shall cease, and the Estate or Interest in respect of which such Rent is now payable shall vest in such Person so interested as aforesaid, as if the same were duly surrendered to him, or in some Person as a Trustee for him, to be named for that Purpose in such Agreement as last aforesaid; and such County, and the Grand Jury thereof, and any Person who is or heretofore was the Lessee of such Person on behalf of or in Trust for such County or the Grand Jury thereof, and his Heirs, Executors, and Administrators, shall thenceforth be exonerated from all Liability to such Rent, or any Covenants contained in any Lease of such Premises: Provided always, that it shall be lawful for such Commissioners to pay or cause to be paid the Amount so agreed to be paid as aforesaid into the Court in which any such Petition shall be presented, on which Petition any such Order shall be made, and to lodge the same to the Credit of the Matter or the Cause in which such Order may be made, to be dealt with as to such Court shall seem meet, according to the Interests of the Parties entitled to such Rent and Reversion; and such Payment and Lodgment shall be deemed a valid Payment in pursuance of such Agreement as last aforesaid: Provided also, that such Committee as aforesaid, or any Member or Members thereof, shall not be personally answerable or liable in any Manner upon or by reason of any such Contract or Agreement.

IV. And be it enacted, That whenever this Statute hath used Words importing the Singular Number or the Masculine Gender only, it shall be understood to include several Matters as well as one Matter, and several Persons as well as one Person, and Females as well as Males, and Bodies Corporate as well as Individuals, unless it be otherwise specially provided, or there be something in the Subject or Context repugnant to such Construction.

The Amount may be paid into the Court in which the Petition shall be presented.

Committee not to be personally liable.

Interpretation Clause.

Act may be amended, &c.

V. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

CAP. XXXII.

An Act to amend an Act to extend the Practice of Vaccination. [21st June 1841.]

‘ WHEREAS an Act was passed in the Fourth Year of the Reign of Her present Majesty, intituled *An Act to extend the Practice of Vaccination*; but no express Provision was thereby made for defraying the Expences of carrying the same into execution;’ be it therefore declared and enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament assembled, and by the Authority of the same, That it shall be and be deemed to have been lawful for the Guardians of every Parish or Union in *England* and *Ireland*, and the Overseers of every Parish in *England*, by whom the Contracts for Vaccination may respectively be or have been made under the Provisions of the said Act, to defray the Expences incident to the Execution of the said Act out of any Rates or Monies which may come or may have come into their Hands respectively for the Relief of the Poor.

3 & 4 Vict. c. 29.

Expences of Vaccination to be defrayed out of the Poor Rates.

II. And be it further declared and enacted, That the Vaccination, or Surgical or Medical Assistance incident to the Vaccination, of any Person resident in any Union or Parish, or of any of his Family, under the said Act, shall not be considered to be Parochial Relief, Alms, or charitable Allowance to such Person, and that no such Person shall by reason of such Vaccination or Assistance be deprived of any Right or Privilege, or be subject to any Disability or Disqualification whatsoever.

Vaccination declared not to be Parochial Relief.

CAP. XXXIII.

An Act to amend the Acts for regulating Turnpike Roads in *England*, so far as they relate to certain Exemptions from Toll. [21st June 1841.]

‘ WHEREAS Doubts are entertained whether, under the Provisions of an Act passed in the Third Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to amend the general Laws now in being for regulating Turnpike Roads in that Part of Great Britain called England*, and of several other Acts amending the same, Asses, Beasts, or Cattle, other than Horses, or Waggon, Carts, or Vehicles, other than Carriages, which shall only cross any Turnpike Road, or shall not pass above One hundred Yards thereon, are exempted from Tolls:’ For the Removal therefore of such Doubts, be it enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That no Toll shall be demanded

3 G. 4. c. 126.

Toll not to be taken for Carts,

&c. crossing
Roads or pass-
ing not above
100 Yards
thereon.

Extending
Powers of
former Acts to
this Act.

Not to affect
Roads exempted
by recited Act.

demanded or taken for or in respect of any Horse, Ass, Sheep, Swine, or other Beast or Cattle, of any Kind whatsoever, or of any Waggon, Cart, Vehicle, or other Carriage, of any Kind whatsoever, which shall only cross any Turnpike Road, or shall not pass above One hundred Yards thereon.

II. And be it enacted, That all and every the Powers, Provisions, Authorities, Penalties, and Forfeitures contained in the said recited Act, and in the several other Acts for regulating Turnpike Roads in *England*, (save and except such Parts thereof as are varied, altered, or repealed,) shall be as good, valid, and effectual for carrying this Act into execution as if the same had been repeated and re-enacted in the Body of this Act, and that the said recited Act and this Act shall be construed together as One Act.

III. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to or affect any Road or Roads in the said recited Act mentioned to be exempted from the Provisions thereof.

CAP. XXXIV.

An Act to explain and amend an Act of the Fifth Year of King *George* the Fourth, for repealing certain Duties on Law Proceedings in the Courts in *Great Britain* and *Ireland* respectively, and for better protecting the Duties payable upon stamped Vellum, Parchment, or Paper. [21st June 1841.]

55 G. 3. c.184.

‘ WHEREAS by an Act passed in the Fifty-fifth Year of His late Majesty King *George* the Third, intituled *An Act for repealing the Stamp Duties on Deeds, Law Proceedings, and other written or printed Instruments, and the Duties on Fire Insurances, and on Legacies, and Successions to Personal Estate upon Intestacies, now payable in Great Britain; and for granting other Duties in lieu thereof*, a Stamp Duty of Two Shillings and Sixpence was imposed (amongst others) upon Affidavits to be filed, read, or used in any of the Courts of Law or Equity at *Westminster*, or of the Great Sessions in *Wales*, or of the Counties Palatine of *Chester, Lancaster, and Durham*, or before any Judge or Master or other Officer of any of the said Courts, or before the Lord High Chancellor, or the Lord Keeper or Commissioners of the Great Seal, sitting in Matters of Bankruptcy or Lunacy: And whereas by an Act passed in the Fifth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to repeal certain Duties on Law Proceedings in the Courts in Great Britain and Ireland respectively; and for better protecting the Duties payable upon stamped Vellum, Parchment, or Paper*, it was (amongst other things) enacted, that from and after the Tenth Day of *October* One thousand eight hundred and twenty-four the Stamp Duty payable upon, for, and in respect of Affidavits to be filed, read, or used in any Action or Suit in

5 G. 4. c. 41.

any of the said Courts of Law or Equity at *Westminster*, or of the Great Sessions in *Wales*, or of the Counties Palatine of *Chester*, *Lancaster*, and *Durham*, or before any Judge or Master or other Officer of any of the said Courts, or before the Lord High Chancellor, or the Lord Keeper or Commissioners of the Great Seal, sitting in Matters of Bankruptcy or Lunacy, should cease and determine: And whereas Doubts have been entertained whether under the said last-mentioned Statute the Stamp Duty of Two Shillings and Sixpence imposed upon Affidavits by and under the said first-recited Act was repealed, and had ceased and determined, in regard to all Affidavits whatsoever to be filed, read, or used in the said Courts, or before the Judges, Commissioner, or Officer therein mentioned, or only in regard to Affidavits to be filed and used in any Action or Suit: And whereas it is expedient and necessary that such Doubts should be forthwith put an end to and determined: Be it therefore enacted and declared by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act the said Stamp Duty of Two Shillings and Sixpence under and by virtue of the said first-recited Act imposed upon Affidavits to be filed, read, or used in any of the said Courts, or before the Judges, Commissioners of the Great Seal, or Officers of the said Courts, or any of them, shall be adjudged, deemed, and taken to have been repealed, and to have ceased, determined, and been put an end to, from the Time of the passing of the said second-recited Act, upon all Affidavits whatsoever, whether to be read, filed, or used in the said Courts, or before the said Judges, Commissioners, or Officers, in any Action or Suit, or otherwise howsoever; and that all Affidavits which shall or may have been read, filed, or used since the passing of the second-recited Act, in the said Courts, or before any Judge or Commissioner or Officer as aforesaid, without being stamped according to the Provisions of the said first-recited Act, shall be adjudged, deemed, held, and taken to have been lawfully and rightfully read, filed, and used, to all Intents and Purposes whatsoever, and as if no Stamp Duty had ever been imposed upon such Affidavits by the first-recited Act, or any other Act or Statute whatsoever.

II. Provided always, and it is hereby enacted and declared, That nothing in the said Act passed in the Third Year of the Reign of King *George* the Fourth or in this Act contained shall be held, deemed, taken, or construed to repeal any Part of the said Act passed in the Fifty-fifth Year of the Reign of King *George* the Third which imposes a Stamp Duty upon Affidavits, other than and except Affidavits to be filed, read, and used in the said Courts, and before the said Judges, Commissioners, and Officers herein particularly mentioned and declared.

Repealing Provision in recited Act as to Stamp Duty upon certain Affidavits.

Nothing in 5 G. 4. c. 41. or this Act contained to repeal 55 G. 3. c. 184. imposing a Stamp Duty upon other Affidavits.

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*Jan 15 1846 No. CAP. XXXV.
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Wob. of York*

An Act for the Commutation of certain Manorial Rights in respect of Lands of Copyhold and Customary Tenure, and in respect of other Lands subject to such Rights, and for facilitating the Enfranchisement of such Lands, and for the Improvement of such Tenure. [21st June 1841.]

WHEREAS it is expedient to provide the Means for an adequate Compensation for the Rents, Fines, and Heriots payable to the Lords of Manors in respect of Lands of Copyhold and Customary Tenure, and in respect of other Lands subject to such Payments, or any of them, and for facilitating the voluntary Enfranchisement of such Lands, and for improving such Tenure: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That "The Tithe Commissioners for *England and Wales*" for the Time being shall be the Commissioners for carrying this Act into execution; and that, should the same not be fully carried into effect before the Duties of the said Tithe Commissioners shall cease, it shall be lawful in such Case for One of Her Majesty's Principal Secretaries of State to appoint any Number of fit Persons to be Commissioners to carry this Act into execution, in the Place of such Commissioners so ceasing to act, and at pleasure to remove any One or more of the Commissioners so appointed, so that the Number of Commissioners shall never exceed Three; and upon every Vacancy in the Office of Commissioner some other fit Person shall be appointed to the said Office in like Manner; and until such Appointment it shall be lawful for the remaining Commissioners or Commissioner to act as if no such Vacancy had occurred.

Appointment of Commissioners.

Style of Commissioners.

To have a Common Seal.

Instruments sealed to be received in Evidence.

II. And be it enacted, That the Commissioners acting in the Execution of this Act shall be styled "The Copyhold Commissioners," and shall have their Office in *London* or *Westminster*; and they, or any Two of them, may sit from Time to Time, as they deem expedient, as a Board of Commissioners for carrying this Act into execution; and the said Commissioners shall cause to be made a Seal of the same Board, and shall cause to be sealed or stamped therewith all Agreements and Awards or Apportionments confirmed by the said Commissioners in pursuance of this Act; and all such Agreements, Awards, Apportionments, and other Instruments proceeding from the said Board, or Copies thereof, purporting to be sealed or stamped with the Seal of the said Board, shall be received in Evidence without any further Proof thereof; and no Agreement, Award, or Apportionment shall be of any Force unless the same shall be sealed or stamped as aforesaid.

III. And

III. And be it enacted, That the said Commissioners shall from Time to Time give to any One of Her Majesty's Principal Secretaries of State such Information respecting their Proceedings, or any Part thereof, as the said Principal Secretary of State shall require, and shall once in every Year send to One of the Principal Secretaries of State a General Report of their Proceedings; and every Year such General Report shall be laid before both Houses of Parliament within Six Weeks after the Receipt of the same by such Principal Secretary of State, if Parliament be sitting, or if Parliament be not sitting then within Six Weeks after the next Meeting thereof.

Commissioners to report to Secretary of State.

Annual Report to be laid before Parliament.

IV. And be it enacted, That it shall be lawful for the said Commissioners from Time to Time to employ such of the Assistant Commissioners appointed under the Provisions of an Act passed in the Sixth and Seventh Years of the Reign of His late Majesty King *William* the Fourth, and intituled *An Act for the Commutation of Tithes in England and Wales*, as they shall see fit, or to appoint a sufficient Number of other Persons to be Assistant Commissioners, and also a Secretary, Assistant Secretaries, and all such Clerks, Messengers, and Officers as they shall deem necessary, and to remove such Assistant Commissioners, Secretary, Assistant Secretaries, Clerks, Messengers, or Officers, or any of them, and on any Vacancy in any of the said Offices to appoint some other Person to the vacant Office; and the Persons so employed or appointed shall assist in carrying this Act into execution at such Places and in such Manner as the said Commissioners may direct: Provided always, that the said Commissioners shall not appoint more than Ten such Assistant Commissioners to act at any One Time, unless the Lord High Treasurer, or any Three or more of the Commissioners of Her Majesty's Treasury, of the United Kingdom of *Great Britain* and *Ireland*, shall, in the Case of each such additional Appointment, consent thereto: Provided further that the Number of such Clerks, Messengers, and Officers shall be subject to the like Consent.

Power to appoint and remove Assistant Commissioners, Secretary, &c. 6 & 7 W. 4. c. 71.

V. And be it enacted, That no Commissioner or Assistant Commissioner appointed as aforesaid shall during the Continuance of such Office be capable of being elected or of sitting as a Member of the House of Commons.

No Commissioner to sit in House of Commons.

VI. And be it enacted, That no Commissioner or Assistant Commissioner, Secretary, or other Officer or Person so to be appointed, shall hold his Office for a longer Period than Five Years next after the Day of the passing of this Act, and thenceforth until the End of the then next Session of Parliament; and after the Expiration of the said Period of Five Years and the then next Session of Parliament so much of this Act as authorizes such Appointment shall cease.

Operation of Act as to Appointments limited to Five Years.

VII. And be it enacted, That the Salaries of the Commissioners, the Allowance to the Assistant Commissioners, and the Salary of the Secretary, Assistant Secretaries, Clerks, Messengers, and other Officers to be appointed under this Act, shall be from Time to Time regulated by the Lord High Treasurer,

Salaries and Allowances;

or

or the Commissioners of Her Majesty's Treasury, or any Three of them: Provided always, that the Salary of a Commissioner shall not exceed the Sum of Two thousand Pounds a Year, including any Salary to which he may be entitled under the said Act of His late Majesty King *William* the Fourth; nor the Allowance to an Assistant Commissioner the Sum of Three Pounds for every Day that he shall be actually employed or travelling in the Performance of the Duties of his Office, including any Allowance to which he may be entitled under the said Act; nor the Salary of the Secretary the Sum of Eight hundred Pounds a Year; and that the Salaries of the Assistant Secretaries, Clerks, Messengers, and other Officers shall be in fit Proportion: Provided also, that the said Lord High Treasurer, or Commissioners of Her Majesty's Treasury, may allow to any Commissioner or Assistant Commissioner, Secretary, Assistant Secretary, Clerk, Messenger, or other Officer, any such reasonable travelling or other Expences as may have been incurred by him in the Performance of his Duties under this Act, in addition to his Salary or Allowance respectively.

to be paid out
of Consolidated
Fund.

VIII. And be it enacted, That the Salaries, Allowances, and travelling and other Expences of the Commissioners, Assistant Commissioners, Secretary, Assistant Secretary, Clerks, Messengers, and Officers as aforesaid, and all other incidental Expences of carrying this Act into execution not herein otherwise provided for, shall be paid by the Lord High Treasurer, or the Commissioners of Her Majesty's Treasury, out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*.

Declaration of
Commissioners,
&c.

IX. And be it enacted, That every Commissioner shall, before he shall enter upon the Execution of his Office, make the following Declaration before One of the Judges of Her Majesty's Courts of Queen's Bench or Common Pleas, or One of the Barons of the Court of Exchequer; (that is to say,)

' I [*A.B.*] do solemnly declare, That I will faithfully, impartially, and honestly, according to the best of my Skill and Judgment, fulfil all the Powers and Duties of a Commissioner under an Act passed in the Fourth Year of the Reign of Queen *Victoria*, intituled [*here set forth the Title of this Act*].'

And that every such Assistant Commissioner shall, before he shall enter upon the Execution of his Office, make the like Declaration (substituting the Words "Assistant Commissioner" for the Word "Commissioner") before such Judge or Baron, or before any Two Justices of the Peace for the County, Riding, Division, Liberty, or Jurisdiction wherein such Assistant Commissioner shall be resident at the Time of his Appointment, or before a Master Extraordinary in Her Majesty's High Court of Chancery; and the Appointment of every such Commissioner and Assistant Commissioner, with the Time when, and the Name or Names of the Judge, Baron, Justices, or Master Extraordinary before whom, he shall have made the

the Declaration as aforesaid, shall be forthwith published in the *London Gazette*.

X. And be it enacted, That the said Commissioners may delegate to their Assistant Commissioners, or to any One or more of them, such of the Powers hereby given to the said Commissioners as the said Commissioners shall think fit, except the Power to confirm Agreements, Awards, or Apportionments, or to frame Forms of Agreements and other Instruments, as herein-after provided, or to do any Act herein required to be done under the Seal of the said Commissioners; and the Powers so delegated shall be exercised under such Regulations as the said Commissioners shall direct; and the said Commissioners may at any Time recall or alter all or any of the Powers delegated as aforesaid, and, notwithstanding the Delegation thereof, may act as if no such Delegation had been made; and all Acts done by any such Assistant Commissioner in pursuance of such delegated Powers shall be obeyed by all Persons as if they had proceeded from the said Commissioners, and the Non-observance thereof shall be punishable in like Manner.

Commissioners may delegate Powers, &c.

XI. And be it enacted, That whenever the Lord or Tenant of a Manor, or any Person interested in any Question or Right connected with any Commutation or Enfranchisement under this Act, shall be a Minor, Idiot, Lunatic, Feme Covert, or under any other legal Disability, or shall be beyond the Seas, the Guardian, Trustees, Committee of the Estate, Husband, or Attorney of such Person respectively, or in default thereof, or in case the Party interested shall be unknown or not ascertained, then such Person as may be nominated for that Purpose by the said Commissioners under their Hands and Seal, after due Inquiry shall have been made by them, as to the Fitness of such Person, shall for the Purposes of this Act be substituted in the Place of such Lord, Tenant, or other Person: [Provided always, that if any Lord, Tenant, or other Person interested as aforesaid, shall be a Trustee for charitable Purposes, and the annual Value of the Charity Estate shall exceed Fifty Pounds, such Trustee shall not sign any Agreement or Power of Attorney, or join in any Proceedings under this Act, without an Order of Her Majesty's High Court of Chancery, to be applied for by Petition; but on such Order being obtained, or if the annual Value of the Charity Estate shall not exceed Fifty Pounds, such Trustee may sign any Agreement or Power of Attorney, and otherwise join in any Proceedings under this Act, as if he had been beneficially interested in such Charity Estate.]

In case the Lord or Tenant of a Manor shall be under Disabilities.

Repealed
2122 K.C. 94

XII. And be it enacted, That it shall be lawful for any Lord or Tenant of a Manor, or any other Person interested in any Commutation under this Act, by a Power of Attorney given in Writing under his Hand, or in the Case of a Corporation Aggregate under the Common Seal of such Corporation, from Time to Time to appoint an Agent to act for him in carrying into execution the Provisions of this Act; and all Things which by

Agent may be appointed by Power of Attorney.

rally circulated in the County within which the said Manor or the greater Part thereof in Value extends, for the Purpose of making an Agreement for the general Commutation of the Rents, Fines, and Heriots thereafter to become due in respect of Lands holden of such Manor, and of the Lord's Rights in Timber; and every Lord and Tenant attending such Meeting shall bear his own Expences of Attendance; and the Lord and Tenants who shall be present at any such Meeting called as aforesaid, such Tenants not being less in Number than Three Fourths of the Tenants of such Manor, and the Interest of the Lord and the Interest of the Tenants in the Manor and Lands respectively not being less than Three Fourths of the Interest in the Value thereof respectively, computing the Interest of Tenants as herein-after is provided, may proceed to make and execute such an Agreement as is herein-after mentioned for the Commutation of the Rents, Fines, and Heriots thereafter to become due in respect of the Lands holden of the said Manor, and of the Lord's Rights in Timber; and if expressly agreed between such Lord and Tenants, the Commutation may be made to extend to Rights in Mines and Minerals, but otherwise shall not extend to or affect such Rights; and thereupon such Agreement shall be reduced into Writing, and a Memorandum or Minute thereof shall be signed by the Persons so agreeing to such Commutation or by their respective Agents.

At such Meetings the Lord and Three Fourths in Number of the Tenants and Three Fourths in Value of the Interests in the Manor may agree on Terms for the general Commutation of Rents, Fines, &c.

XIV. And be it enacted, That such Agreement for a Commutation of the Rights of the Lord may be for the Payment of an annual Sum by way of Rent-charge, and of a small fixed Fine upon Death or Alienation, which shall in no Case exceed the Sum of Five Shillings, such Rent-charge to commence, either in whole or in part, according as the said Commissioners shall direct, from the Date herein-after mentioned (except where otherwise directed by the said Commissioners), and to be valued and variable (when such Rent-charge shall exceed Twenty Shillings) according to the Price of Corn, in like Manner as is mentioned and provided with regard to the Tithe Commutation Rent-charge in and by the said Act for the Commutation of Tithes in *England* and *Wales*; and the Amount of every such Rent-charge may be specifically stated in such Agreement, or separate Rent-charges may be therein agreed upon between the Lord and any One or more Tenants, Parties to the Agreement, or the Agreement may provide that the entire Rent-charge, though stated therein, shall be subject to Increase or Diminution by the Valuers to be appointed as herein-after mentioned to such an Amount *per Centum* as shall be therein expressed, or that such separate Rent-charges as aforesaid shall be subject to Increase or Diminution to a given Amount *per Centum*, in certain Events to be specified in the Agreement; and the Agreement may also determine the Apportionment for each Tenant, or it may provide that the entire Rent-charge, or the Apportionment thereof, shall be fixed by such Valuers, subject to the Approbation of the said Commis-

Terms on which Agreements may be made.

estimated by 14/10/21 5/18/25/5

sioners; and it may be agreed that so much of the Rent-charge, to be apportioned as aforesaid in respect of the Lands of any Tenant, as shall be in lieu of Fines, or other Manorial Rights to which such Tenant would not be liable thereafter during his Tenancy, shall not commence until the Period of the next Act or Event on which a Fine or such other Manorial Right would have become payable or due, and that the Amount of such Rent-charge shall be then increased accordingly; but such Agreement shall not fix the Time for the Commencement of the Rent-charge to be apportioned in respect of the Lands of any Tenant who shall not be Party to such Agreement; and all other Provisions may be made for carrying into execution the Intention of the Parties and of this Act, so that nothing in such Agreement contained (unless every Tenant included therein shall be a Party thereto) shall exclude or prevent the Exercise of the Powers herein-after contained for apportioning the Rent-charge according to the particular Circumstances of each Tenement, and for the Relief of Tenants for Life and other Persons in the Cases herein-after provided for; and such Agreement may fix a Scale of Fees to be payable to the Steward from and after the Confirmation of the Apportionment, but so nevertheless as not to affect the Interests of any Steward in Office at the Time of the passing of this Act who shall hold his Office for Life or during good Behaviour, or of any Steward of a Manor so in Office as aforesaid where the Usage shall have been such as in the Opinion of the said Commissioners to lead to a just Expectation that the Steward will hold his Office during his Life or good Behaviour; and such Agreement may provide for the Costs of the Proceedings under this Act, subject to the Approbation of the said Commissioners: Provided always, that in case of Doubt or Difference as to the Sufficiency of Interest of the Parties to any such Agreement the Decision of the said Commissioners thereon shall be conclusive; and every Agreement so made and executed, and confirmed in manner herein-after mentioned, shall be binding on all Persons interested in such Manor or Lands.

Commutation may take place in consideration of a Fine on Death or Alienation, or at a fixed Period.

XV. And be it enacted, That such Agreement for a Commutation of the Rights of the Lord as aforesaid may also be for the Payment of a Fine on Death or Alienation, or at any fixed Period or Periods to be agreed upon by the Parties, every such Fine to be fixed by the Agreement or to be subject to Increase or Diminution by the Valuers, to be appointed as herein-after mentioned, to such an Amount *per Centum* as shall be expressed in such Agreement, but in either Case to be valued in Bushels of Wheat, Barley, and Oats in the same Manner as the Tithe Commutation Rent-charge, and to be subject, in like Manner as such Rent-charge, to Variation according to the Prices ascertained by the Advertisement provided for by the said Act for the Commutation of Tithes in *England and Wales*, to be published next before the Time of the happening of the Act or Event on which the Fine shall become payable.

XVI. And

XVI. And be it enacted, That the said Lord and Tenants present at such Meeting shall elect a Chairman (the Vote of the Lord being reckoned as equal to One Third of the whole Number of Votes, and the Votes of the Tenants being reckoned individually), who shall forthwith proceed to ascertain the Number and Interest of the Lord and Tenants then present in Person or by their Agents; and in case it shall thereupon appear that the Persons present at such Meeting are not sufficient in Number and Interest, or a sufficient Portion are not willing to make and execute such an Agreement as shall be binding on all Persons interested therein, it shall be lawful, notwithstanding, for any Number of the Persons present to make and execute a provisional Agreement of the like Form and Tenor; and every such provisional Agreement which shall be executed within Six Calendar Months from the Day of such Meeting by such Persons as would have been sufficient in Number and Interest to make a binding Agreement at such Meeting shall be as binding as if the same had been sufficiently executed at such Meeting.

Provisional
Agreements
may be made.

XVII. And be it enacted, That the proportional Interest of the Tenants, so far as relates to their Power to make such Agreement or provisional Agreement, or to appoint Valuers, or to give any Notice to the said Commissioners or Assistant Commissioners, as herein-after provided, shall be computed in manner herein-after mentioned; that is to say, the Interest of every Tenant liable to Fines arbitrary or uncertain in Amount shall be estimated according to the proportional Sum at which their Lands shall be rated to the Relief of the Poor in the Parish or Place wherein the same are situated, and if any Lands shall not be distinctly rated, then in respect of such Lands according to the Rules by which Property of the same Kind is in the said Parish rated to the Relief of the Poor; and when such rating cannot be ascertained, then the Interest in respect thereof shall be estimated at such Proportion, not exceeding Two Thirds of the last Fine arbitrary paid on Admission to the said Lands, as the Chairman at the said Meeting shall consider nearest in Amount to the yearly Value of the same Lands; the Interest of Tenants liable to Fines certain shall be estimated according to such Rule as shall be specially made for the Occasion by the said Commissioners on the Application of the Lord or Tenants by whom the Meeting shall have been called, or, for Want of such Rule, as if the annual Value of their respective Lands were One Half of the Amount of such Fine certain; the Interest of Tenants liable to Heriots in Kind shall in respect of such Liability be estimated according to such Rate as shall be specially made for the Occasion by the said Commissioners on such Application as aforesaid, or, for Want of such Rule, at One Fifth of the annual Value of their respective Lands, as nearly as the same can be estimated by the Chairman at any such Meeting; and the Interest of no Person shall be computed in respect of a Copyhold Estate who has not been admitted Tenant thereof according to the Custom

Proportional
Interest how to
be computed
for Purpose of
voting.

of the Manor, or who has made an absolute Surrender of all his Estate and Interest therein; and it shall be lawful for the said Commissioners to make special Rules respecting the Computation of the Interests of Tenants liable to Fines certain, Heriots, Rights in Timber, and other Manorial Rights (if any) which may be the Subjects of any proposed Commutation, on the Application or with the Consent of a Majority of the Parties interested, and previous to the Execution of any Agreement, and such Rules shall have the same Force as if made by this Act.

Meetings may be adjourned, Notice being given.

XVIII. And be it enacted, That in case an Adjournment of the said Meeting shall for any Cause be desired by a Majority in Number of the Persons attending such Meeting in Person or by Attorney as aforesaid, the Chairman shall adjourn the Meeting to any Time and Place then by him to be declared, and so from Time to Time in case the same shall be in like Manner desired by a Majority in Number of the Persons attending such Meeting as aforesaid; and Notice of every such adjourned Meeting shall be given under the Hand of the Chairman, and shall be affixed in a conspicuous Place on the Outside of the Building in which such Meeting, or the last Adjournment thereof, shall have been holden, and shall be once advertised in a Newspaper as aforesaid; and the like Order of Proceeding shall be observed at every such adjourned Meeting; and every thing done at any such adjourned Meeting shall be as valid as if done at the original Meeting.

Agreement to be in the Form which Commissioners shall direct.

XIX. And be it enacted, That every such Agreement shall bear Date on the Day on which the first Signature is attached thereto, or to the Memorandum or Minute thereof, and shall be in such Form as the Commissioners shall from Time to Time direct, or to the like Effect.

Commissioners to frame and circulate Forms, &c.

XX. And be it enacted, That the said Commissioners shall frame and cause to be printed, so soon as conveniently may be after their Appointment or beginning to act, Forms of Notices and Agreements, and such other Instruments as in their Judgment will further the Purposes of this Act, and supply all or any of such Forms to any Person or Persons requiring the same, or to whom the said Commissioners shall think fit to send the same, for the Use of any Lord or Copyholder or other Tenant desirous of putting this Act into execution.

Suits and Differences as to Rights or Boundaries may be referred to Arbitration.

XXI. And be it enacted, That if any Action or Suit shall be pending touching the Right to or Amount of any Fines, Heriots, or other Manorial Rights, or touching the Situation or Boundary of any Manor or Lands, or if any Difference shall arise whereby the making and executing of any such Agreement, or of any Enfranchisement under this Act, shall be hindered, it shall be lawful for the Lord and Tenants or Claimants, being Parties to such Action, Suit, or Difference, to submit the same to Reference by any Writing under their respective Hands, containing an Agreement that such Submission shall be made a Rule of any of Her Majesty's Courts of Law, upon such Terms of Reference as the said Parties may agree upon; and the

the Decision of the Arbitrator or Arbitrators named in the said Reference shall be final and conclusive on all Persons; and when such Arbitrator or Arbitrators shall be appointed for the Purpose of determining any unknown or disputed Boundary of any Manor or Lands, he or they shall and may have and exercise all the Powers which may be exercised by any Referee appointed under and by virtue of the Provisions of an Act passed in the Third Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to authorize the identifying of Lands and other Possessions of certain Ecclesiastical and Collegiate Corporations*: Provided nevertheless, that no Person, being Owner of an Estate in a Manor or Lands less in the whole than an immediate Estate of Fee Simple or Fee Tail, or corresponding Copyhold Estate, shall be empowered to submit to any such Reference, so as to bind any Person in Reversion, Remainder, or Expectancy, without the Consent of the said Commissioners; and that it shall be lawful for the said Commissioners, if they shall think fit so to do, but not otherwise necessary, to direct that any Person in Reversion, Remainder, or Expectancy whom they shall deem to be interested therein shall be made a Party to such Reference.

2 & 3 W. 4. c. 80.

XXII. Provided always, and be it enacted, That in every Case in which any Manor or Lands shall be held under any Archbishop, Bishop, Dean, Chapter, Archdeacon, or any Ecclesiastical or other Corporation, or any Body Politic, and in every Case in which any such Person, Ecclesiastical or other Corporation, or Body Politic, or Patron of any Living, shall be interested in any Manor or Lands to the Extent of One Third of the Value thereof, computed as to such Lands as aforesaid, or if it shall appear to the said Commissioners that the Interests of such Person, Ecclesiastical or other Corporation, or Body Politic, would be affected by the Commutation or Enfranchisement under this Act, no Agreement to be made and executed under this Act shall be deemed to be executed by the said Lord and Tenants unless the Consent of such Person, Ecclesiastical or other Corporation, or Body Politic shall be given under the Hand or Seal of the Person, Ecclesiastical or other Corporation, or Body Politic, or Patron of such Living giving the same; and such Consent shall be annexed to the Agreement for Commutation or Enfranchisement, and taken as Part thereof.

Consents to be required to Agreements.

XXIII. And be it enacted, That every such Agreement, as soon as may be after it shall have been executed by the Lord and Tenants to the Number and Value as aforesaid, shall be sent by the Chairman of the Meeting, or by the Person in whose Custody it shall then be, to the Office of the said Commissioners; and the said Commissioners, by themselves or by some Assistant Commissioner, shall cause Inquiry to be made, and shall require such Proof as will be satisfactory to them, whether or not it ought to be confirmed; and if they shall be satisfied that it ought to be confirmed, the said Commissioners shall confirm the Agreement under their Hands and Seal, and

Agreements to be confirmed by the Commissioners.

shall add to such Agreement the Date of the Confirmation, and shall publish the Fact of such Confirmation, and the Date thereof, within the Manor, in such Way as they shall deem fit; and every such confirmed Agreement shall be binding on all Persons interested in the said Manor and on all Persons interested in the said Lands, and shall not be liable to be invalidated by reason of any Doubt or Question as to the Sufficiency in the Number and Interest of the Parties entering into such Agreement: Provided always, that it shall be lawful for the said Commissioners, by themselves or by some Assistant Commissioner, at their Discretion, if the Circumstances of the Case shall in their Opinion require it, to direct that the Rent-charge to be paid by any particular Tenant or Tenants shall not commence until the Period of the next Act or Event on which the Fine or other Manorial Right for which such Rent-charge shall be commuted would have become due and payable, and that the Amount of such Rent-charge shall be then increased in such Proportions as the said Commissioners or Assistant Commissioner shall think proper.

Appointment of
Valuers.

XXIV. And be it enacted, That at the said Meeting for Commutation, or at some Adjournment thereof, or at some other Meeting to be called in like Manner, either before or after the Confirmation of the Agreement, such Agreement not being an imperfect provisional Agreement, Valuers shall be appointed, in manner herein-after mentioned, for the Purpose of making such Valuations, Apportionments, and Schedules as shall be required for carrying the said Agreement into execution; and in case such Commutation shall be agreed to be made in consideration of a Rent-charge payable to the Lord, and fixed by the Agreement, the Tenants present at such Meeting shall appoint a Valuer or Valuers; and in case the Majority in respect of Number and the Majority in respect of Value (computed as aforesaid) shall not agree upon the Appointment, then they shall appoint Two or such other even Number of Valuers as shall be then agreed on by such Tenants, Half of such Number of Valuers to be chosen by a Majority in respect of Number and the other Half by a Majority in respect of Value (computed as aforesaid) of the Tenants then present in Person or by their Agents; but in case such Commutation shall be in consideration of a Rent-charge, the Amount whereof shall not be fixed by the Agreement, but shall be liable to Increase or Diminution by the Valuers, or shall be left to be determined by them, with the Approbation of the said Commissioners, then and in either of the said Cases one Half of the Number of Valuers shall be appointed by the Lord, or the Majority of the Lords in Value, and the other Half by the Tenants in manner aforesaid, or such respective Parties may concur in the Appointment of One or more Valuer or Valuers; and any Question which may arise as to the Regularity of the Appointment of such Valuer or Valuers shall be decided by the said Commissioners.

Valuation.

XXV. And be it enacted, That as soon as may be after the choosing such Valuers, and after the Confirmation of the said Agreement,

Agreement, the said Valuers shall apply to the said Commissioners for Instructions as to the Duties to be performed by them pursuant to such Agreement, and having received such Instructions shall proceed to make and send in to the said Commissioners such Valuations, Apportionments, and Schedules as they shall require; and whenever an even Number of Valuers shall be chosen, it shall be lawful for the said Commissioners, by any Writing under their Hands and Seal, (to be communicated either together with or as soon as conveniently may be after the said Instructions,) to appoint a fit and proper Person to be an Umpire between such Valuers; and the Decision of the Umpire on the Questions in difference between the Valuers shall be binding on them respectively, and shall be adopted by them respectively in their Valuation.

XXVI. And be it enacted, That the said Valuers and Umpires respectively (if as to such Umpires it shall become necessary for them to act respectively) and their Agents or Servants, at all reasonable Times, may, on producing an Authority under the Hand and Seal of the said Commissioners or Assistant Commissioners, enter upon any of the Lands and Premises affected by such Agreement, and make an Admeasurement, Plan, and Valuation or Inspection of the same, without being subject to any Action or Molestation for so doing: Provided always, that no Valuer or Umpire shall be capable of acting until he shall have made and subscribed before the said Commissioners or some Assistant Commissioner, or a Justice of the Peace or Master Extraordinary in Chancery, a solemn Declaration to the same Purport and Effect as the Declaration herein-before directed to be made by the said Commissioners, substituting only the proper Description of the Office held by such Person for that of a Commissioner; which Declaration it shall be lawful for the said Commissioners, Assistant Commissioner, Justice of the Peace, or Master Extraordinary to administer; and every such Declaration so made and subscribed shall be countersigned by the Person before whom the same shall have been made, and shall be sent by him to the Office of the said Commissioners.

Valuers may enter on Lands, &c.

Not to act until they have made a Declaration.

XXVII. And be it enacted, That for the Purpose of enabling the said Valuers to make such Valuations, Apportionments, and Schedules, and otherwise to facilitate Commutations under this Act, the Steward of the Manor for the Time being shall, on Request by the said Valuers, or any of them respectively, or the Chairman of any Meeting or Adjournment thereof, or of any Three Tenants having signed the Notice of an intended Meeting, make out, so far as his Information may enable him, within such Period and in such Manner as the said Commissioners shall direct, a correct Statement in Writing of the several Tenants of the said Manor, and of the respective Lands to which they shall respectively stand admitted for Life or otherwise, or which they shall hold subject to Fines, Heriots, or other Manorial Rights, and of the Amount to which the same Lands are rated to the Relief of the Poor, so far as he can distinguish

Stewards to furnish Information required by the Valuers or the Commissioners;

or estimate the same, and of the Amounts received by the Lords on account of the Three last Heriots in respect of any such Lands, and of any other Information which the said Commissioners shall from Time to Time direct, and which as such Steward he can procure and produce without Prejudice to the Rights and Interests of the Lord of the said Manor; and the said Steward shall produce the said Statement for Inspection at any such Meeting or Adjournment thereof, on being paid for the same as herein-after provided, and shall deliver to or allow any Extracts thereof as to such Rating to be taken by the Chairman of such Meeting, and shall, upon Request by the said Valuers, and being paid as aforesaid, deliver to them respectively a true Copy of such Statement or the Parts thereof required by them; and for preparing such Statement the said Steward shall receive from the Person requiring the same such a Remuneration as shall have been agreed upon, or, in case of Difference, such a Sum as the said Commissioners shall under their Hands and Seal order and direct, and for Copies or Extracts thereof the Sum of Four-pence for every Seventy-two Words; and the said Steward for the Time being, or, if there shall be no Steward, the Lord, shall within Three Calendar Months after the Signature of the said Agreement, or whenever required by the said Commissioners, make out and send to the said Commissioners such Information and in such Form as the said Commissioners shall from Time to Time require, and as the said Steward, or if there shall be no Steward, the Lord, can procure and produce, without Prejudice as aforesaid; and for the Purpose of ascertaining the Ages of any Tenants it shall be lawful for the Steward or Lord to apply personally, or by Letter sent by Post, and addressed to the particular Tenant at his usual Place of Abode, for such Information, and every Tenant refusing or neglecting for the Space of Twenty-one Days to give such Information shall not be entitled to have any Amendment made in such Schedule by reason of any Error the Steward may commit in inserting such Age, or to object to the Apportionment herein-after mentioned by reason of such Mis-statement of Age, unless the said Commissioners shall see Cause otherwise to direct; and any Tenant falsely stating his or her Age shall forfeit and pay such Sum, not exceeding the Sum of Ten Pounds, as the said Commissioners shall under their Hands order and direct, and which shall be added to the Amount to be payable by him or her under the Apportionment, and recoverable in like Manner, and applied in and towards the Costs of Apportionment or other Costs of Commutation as the said Commissioners shall direct, or shall be recoverable by Distress or Action as herein-after provided with respect to Costs payable under this Act; and the said Steward shall receive for the said Schedule, and the Expence of Application as to Ages and Rates, such Sum as the said Commissioners shall think fit and proper to allow for the same, with the other Costs of Apportionment; and in like Manner such Steward or Lord shall from Time to Time make out and send to the said Commissioners, upon

and make a Schedule or Statement as the Commissioners may direct.

Stewards may require Information from Tenants, &c.

Penalty on Tenant for Default.

Request, all Statements, Schedules, and Information, which they shall from Time to Time require, from the Court Rolls, Quit Rentals, and other Documents of the like Nature; and in case Default shall be made by the Steward or Lord in complying with any such Request he shall forfeit such Sum and Sums, not exceeding the Sum of Five Pounds, as the said Commissioners shall from Time to Time in their Discretion order and direct, and which Sums shall be deducted from any Compensation to be awarded or Sum to be allowed to him under this Act.

XXVIII. And be it enacted, That when the said Valuers shall be so instructed by the said Commissioners, pursuant to such Agreement, they shall accordingly proceed in the Discharge of the Duty intrusted to them; and in every Case in which the Agreement shall have provided that the Rent-charge or (where the Commutation shall be for the Payment of a Fine on Death or Alienation) that the Commutation Fine shall be subject to Increase or Diminution by the Valuers, or that the Amount of the Rent-charge shall be fixed by them, the said Valuers shall proceed to determine, within the Limit prescribed by the Agreement, the Amount of Increase or Diminution, or shall ascertain the Amount to be paid by way of Rent-charge (as the Case may require); and the said Valuers shall afterwards, or where the Rent-charge shall be specifically stated in the Agreement, and shall not have been apportioned thereby, shall at once proceed to apportion the total Sum to be paid by way of Rent-charge; and in regulating the Amount of Rent-charge, and also in making such Apportionment, the said Valuer shall take into account the Facilities for Improvement and all other Circumstances relating to the Land which shall be included in such Commutation, and shall make due Allowance for the same; and shall also take into consideration the relative Situations of the Lord when Tenant for Life or having other limited Interest, and the respective Rights of such Lord and of those entitled in Remainder or Reversion to the Manor, and what Portion of such Rent-charge should be paid to such Lord, being Tenant for Life or having other limited Interest, and how the Residue thereof should be applied, and whether the whole of such Rent-charge, or whether only a Part thereof, should be paid to the Lord, being Tenant for Life, or having other limited Interest in the Manor; and when the Tenant shall have only a Life Estate or other limited Interest in his Land it shall be lawful for the said Valuers to state what Proportion (if any) of the Rent-charge to be paid in respect of such Land should be deferred until the next Act or Event in which a Fine would become due to the Lord; and the said Valuers shall also state generally whether, and in what Cases, in their Opinion, the Payment of the Rent-charge, or of Part thereof, should be deferred, and shall state such other Particulars as may enable the said Commissioners to defer Payment of the whole Rent-charge, or of any Part thereof, if they shall think fit; and the said Valuers shall state the Amount of the
 Fine

Valuers to take particular Circumstances of each Case into consideration.

Fine (not exceeding Five Shillings) to be thereafter payable upon Death or Alienation in respect of each Tenement; and they shall, if so instructed by the Commissioners, make an Apportionment of the Costs of the Proceedings under this Act, subject likewise to the Approbation of the said Commissioners; and it shall also be lawful for the said Valuers to make such other Allowances as they shall deem just for the particular Circumstances of the several Tenements, so that such Allowances shall not be inconsistent with the said Agreement for Commutation, and the Instructions received from the said Commissioners.

Schedules of Valuation to be deposited for Inspection, and a Meeting appointed for hearing Objections.

XXIX. And be it enacted, That as soon as the Valuations, Apportionments, or Schedules to be so made by the said Valuers as aforesaid shall have been sent to the said Commissioners, they shall cause a Copy of the same to be deposited in the Hands of the Steward for the Time being of the Manor, or if there shall be no Steward with the Lord of the said Manor, or with such Person as they shall see fit, for the Inspection of all Persons interested therein within the Manor, or within a Parish wherein Part of the Manor is situated, and shall forthwith cause Notice to be given, through such Steward or Lord, or in such Manner as to the said Commissioners shall seem fit, of such Copy being so deposited for Inspection, and which Inspection shall at all reasonable Times, up to the Meeting after mentioned, be allowed by such Steward or Lord without Fee (and for every Neglect to allow which such Steward or Lord shall forfeit such Sum not exceeding Twenty Shillings as the said Commissioners shall order and direct, and which shall be deducted from the Sums payable to such Steward or Lord under this Act); and in such Notice such Place and Time, or Places and Times, shall be fixed as the said Commissioners shall think fit (the first not earlier than Twenty-one Days from the first giving such Notice) for holding a Meeting for hearing and determining Objections to the said Valuation, or the Amount of Costs claimed by the said Valuers, or to the said Steward's Schedule, by any Parties interested; and the said Commissioners, or some Assistant Commissioner, (to whom respectively such Steward or Lord shall on the Day before or previous to the Commencement of such first Meeting, as required, deliver such Copy of the said Valuations, Apportionments, or Schedules, with all Notices received as herein-after provided,) shall at such Meeting or Meetings hear and determine any Objection which may then and there be made against the said Valuations, Apportionments, or Schedules respectively, or any Part thereof, or adjourn the further Hearing thereof, if they or he shall think proper, to a future Time, and may, if they or he shall see Occasion, direct any further Valuations, Apportionments, or Schedules, Inquiries or Statements, to be made, and from Time to Time fix further Meetings for the hearing and determining Objections, of which further Meetings, when not holden by Adjournment, Notice shall be given in manner herein-before directed with regard

Hearings may be adjourned.

to the original Meeting; provided that, unless upon Cause shown to the Satisfaction of the said Commissioners, no Person shall be entitled to make any Objection to any such Valuations, Apportionments, or Schedules, who, being the Lord of the said Manor, shall not have left Notice in Writing of such intended Objection at the Office of the said Commissioners Ten Days before the Time fixed for any such Meeting, exclusive of the Day of leaving such Notice, but inclusive of the Day of Meeting, or who, being any Person other than the Lord of the said Manor, shall not have left Notice in Writing of such intended Objection with or for the Steward or Lord of the said Manor with whom such Copies shall be deposited, at the Place of Deposit thereof, Ten Days before the Time fixed for any such Meeting, exclusive of the Day of leaving such Notice, but inclusive of the Day of meeting, Forms of which Notices shall be forwarded by the said Commissioners to the said Steward or Lord or other Person, and shall be by him delivered to any interested Party requiring the same; and which last-mentioned Notices the said Steward or Lord or other Person shall, immediately on Receipt thereof, annex to such Copies or one of them, and shall note such Objection on the Copy to which the same relates, and allow the Inspection of the said Notices, in like Manner and under the like Penalty as aforesaid; and any Default in any of the several Matters and Things herein-before required shall also subject such Steward or Lord or other Person to the like Penalty; and when the said Commissioners or Assistant Commissioners shall have heard and determined all such Objections they and he are and is hereby required to cause such Valuations, Apportionments, or Schedules to be amended as Occasion shall require, and also from Time to Time, whether at such Meeting or not, to amend the Steward's Schedule, so as to show all Deaths and Alterations in Ages of the Tenants or otherwise taking place after making out the same, and before the Apportionment herein-after provided for, on being satisfied by the Affidavit or Declaration, as the Case may be, of the Steward, sworn or taken before a Master Extraordinary in Chancery, or by such other Proof as they or he may deem sufficient, that such Amendments and Alterations are required.

XXX. And be it enacted, That the Expences of the Proceedings for effecting any Commutation under this Act shall (except in Cases where from special Causes the said Commissioners shall direct otherwise, and then as they shall direct, and except in Cases where the Parties to the said Agreement shall therein otherwise provide, and then as they shall have provided,) be payable in manner following; (that is to say,) where the Valuers shall be appointed by the Tenants, the Costs of the Valuations, Apportionments, and Schedules shall be paid by the Tenants included in the Commutation, in rateable Proportion to the Sum charged on their Land respectively under and by virtue of this Act; but where the Valuers shall be appointed by the Lord and Tenants as aforesaid, then if not

Expences of
Proceedings
under the Act.

more

more than Two shall be appointed the Lord shall pay Half the Costs, and the Tenants as aforesaid shall pay Half; and where more than Two Valuers shall be appointed the Lord shall pay One Third, and the Tenants as aforesaid shall pay Two Thirds; and in all Cases of Dispute or Difference as to the Amount of the Costs, or the Persons on whom any Costs should fall, the Commissioners have Power to decide the same.

Schedule to be made by the Commissioners.

XXXI. And be it enacted, That forthwith after the Receipt of the Valuations, Apportionments, or Schedules so settled, the said Commissioners shall cause a Schedule of Apportionment to be made, wherein shall be stated the Name or Description, and the true or estimated Quantity in Statute Measure of the several Lands to be comprised in the Apportionment, and shall set forth the Names and Descriptions of the several Proprietors and Occupiers thereof, and the Schedule of Apportionment shall also state the Amount of Rent-charge charged upon the said several Lands, or, where the Commutation shall be for a Fine payable on Death or Alienation, the Amount of Commutation Fine to become payable in respect thereof upon Death or Alienation, and the Periods at which the several Rent-charges shall become due and payable; and in Cases of Commutation for a Rent-charge such Schedule shall also state the Amount of Fine (not exceeding Five Shillings) to be thenceforth payable upon Death or Alienation in respect of each Tenement; and such Schedule shall further state to whom and in what Right the same shall be respectively payable; and the said Schedule shall contain all such other Awards, Orders, and Declarations as shall be required for carrying the Provisions of this Act into execution.

Schedule of Apportionment to be inspected, Errors pointed out, and Schedule then confirmed.

XXXII. And be it enacted, That the said Commissioners shall forthwith after making such Schedule cause a Copy thereof to be deposited with the Steward, Lord, or other Person as aforesaid, for Inspection, within the Manor, or within some Parish where Part of the Manor is situate, by any Parties interested, and give Notice of such Power to inspect, and which Inspection during such Period as the said Commissioners shall direct shall be allowed as aforesaid, under the Penalty aforesaid, recoverable as aforesaid; and at the Expiration of that Period the said Steward, Lord, or other Person as aforesaid shall return the same Copy or Copies to the said Commissioners, together with any Notice he may have received during that Period, pointing out any Errors therein, and a Statement of any Errors which he may have discovered therein; and the said Commissioners shall forthwith inquire into and rectify any such Errors therein, and shall cause the said Schedule of Apportionment to be engrossed on Parchment or Paper, and annex thereto any Agreements, Schedules, Maps, Plans, or other Documents or Writings required for Elucidation thereof, and shall confirm such Apportionment under their Hands and Seals, and shall add thereto the Date of such Confirmation.

Copies to be deposited with

XXXIII. And be it enacted, That Two Copies of every confirmed Instrument or Schedule of Apportionment and confirmed

firmed Agreement, and Schedules to be annexed thereto or written in the same Book therewith, shall be made, and sealed with the Seal of the said Commissioners, and one such Copy shall be delivered to the Steward of the Manor, to be deposited and kept with the Court Rolls thereof, and the other Copy shall be deposited with the Clerk of the Peace for the County or Jurisdiction within which the said Manor or the greater Part thereof in Value, computed as aforesaid, shall be situated, to be by him and his Successors in Office kept with the Papers and Books of the Clerk of the Peace for the Time being; and all Persons interested therein may have Access to the said Copies respectively, and shall be furnished with Copies of or Extracts from any such Copy, on giving reasonable Notice to the Party having the Custody of the same, and on Payment of Two Shillings and Sixpence for each Inspection, and after the Rate of Two-pence for every Seventy-two Words contained in such Copy or Extract; and every Recital or Statement in, or Agreement, Schedule, Map, Plan, Document, or Writing annexed to such confirmed Apportionment, shall be deemed satisfactory Evidence of the Matters therein recited or stated, or of the Accuracy of such Map or Plan; and such Deposit shall be notified by an Advertisement or otherwise as the said Commissioners may from Time to Time direct.

the Steward of the Manor and the Clerk of the Peace.

XXXIV. And be it enacted, That the said Commissioners, if they shall see fit, before confirming any Agreement, Valuation, Assessment, Schedule, or Apportionment, may require Notice thereof to be given in such Manner as they shall direct to the Person next in Remainder, Reversion, or Expectancy of an Estate of Inheritance in any Manor or Lands, or any other Person to whom they may think Notice ought to be given, and may by themselves or by some Assistant Commissioner hear and determine any Objection made to such Confirmation by any Person so interested therein.

Notice to Parties.

*attested by
6/1/42 25/1/13*

XXXV. And be it enacted, That it shall be lawful for the said Commissioners to correct or supply any manifest Error or Omission in any Agreement, Valuation, Assessment, Schedule, or Apportionment at any Time after the same shall respectively have been made or confirmed, with the Consent in Writing of all the Parties affected by such Error or Omission, but not otherwise.

Commissioners may correct Errors, with Consent.

XXXVI. And be it enacted, That from the First Day of *January* next following the Confirmation of every such Apportionment the Lands of the said Manor shall be absolutely discharged from the Payment of all the Lord's Rents, Fines, and Heriots, (save and except, in the Case of a Commutation for a Rent-charge, a fixed Fine not exceeding the Sum of Five Shillings, to be stated in every such Apportionment as aforesaid, and which shall be payable to the Lord in every Case of Death or Alienation,) and from the Lord's Right of Timber, and any other Right of the Lord which may be the Subject of Commutation, and instead thereof there shall be payable thenceforth, or from such Time as shall be fixed by the said Commissioners, to the Person in that Behalf mentioned in

Lands to be discharged from Rents, Fines, and Heriots now payable, and a Rent-charge and fixed Fine to be paid in lieu thereof.

the

the said Apportionment, the yearly Sum of Money mentioned therein, where the same shall not exceed Twenty Shillings, and in other Cases a yearly Sum of Money which shall be deemed to be of the Value of such Number of Imperial Bushels and Decimal Parts of an Imperial Bushel of Wheat, Barley, and Oats respectively as such Sum would have purchased if equal Third Parts thereof had been invested in the Purchase of those respective Descriptions of Grain at the Prices ascertained by the Advertisement provided for by the said Act for the Commutation of Tithes in *England* and *Wales* next preceding the passing of this Act; that is to say, at the Price (for Wheat) of Six Shillings and Eleven-pence Three Farthings *per* Bushel, for Barley of Four Shillings and One Penny *per* Bushel, and for Oats of Two Shillings and Ten-pence Three Farthings *per* Bushel, such respective yearly Sum to be payable instead of the said Rents, Fines, and Heriots, and other Rights as aforesaid, in the Nature of a Rent-charge issuing out of the Lands charged therewith; and such yearly Sum shall be payable by Two half-yearly Payments on the First Day of *July* and the First Day of *January* in every Year, the first Payment (except where deferred by the said Order of the said Commissioners) being made on the First Day of *July* next after the Lands shall have been discharged from Rents, Fines, and Heriots, and other Rights as aforesaid; and such Rent-charge may be recovered, at the Suit of the Person entitled thereto, by Distress and Entry, as herein-after mentioned; and after every First Day of *January* the yearly Sum of Money thenceforth payable in respect of such Rent-charge, where it shall exceed the Sum of Twenty Shillings, shall vary so as always to consist of the Price of the same Number of Bushels and Decimal Parts of a Bushel of Wheat, Barley, and Oats respectively, according to the Prices ascertained by the then next preceding Advertisement; and any Person entitled from Time to Time to any such varied Rent-charge shall have the same Powers for enforcing Payment thereof as are herein-after contained concerning the original Rent-charge; and that whenever the Commutation shall be in consideration only of a Fine to be payable upon Death or Alienation, the Amount of the Fine to be mentioned in the Apportionment (if the same shall not exceed Twenty Shillings), and in other Cases the Value of the respective Quantities of Wheat, Barley, and Oats, which equal Third Parts of such Fine would have purchased at the respective Prices *per* Bushel herein-before set forth, such Value to be ascertained by the Prices stated in any such Advertisement so provided for as aforesaid, next preceding the Event or Act upon which the Fine shall have become payable, shall be paid to the Person in that Behalf mentioned or described in the Apportionment, and shall be recoverable by him in like Manner as any Fine upon Death or Alienation is now by Law recoverable.

XXXVII. Provided always, and be it enacted, That in every Case in which by the Agreement entered into as aforesaid

said any Rent-charge or Rent-charges shall have been left subject, in certain Events, to Increase or Diminution, the Schedule of Apportionment shall set forth the Events on the happening of which such Increase or Diminution is to take place, and the Amount or Rate of Increase or Diminution respectively.

Event a Rent-charge is to be increased or diminished.

XXXVIII. And be it enacted, That if, upon the Expiration of Six Calendar Months after the Confirmation of any Agreement to be made as herein-before mentioned, no Valuers shall have been appointed, or their Valuation, Apportionments, or Schedules (as the Case may be) respectively shall not have been made, and sent to the Office of the said Commissioners, or if any Valuer appointed under or by virtue of this Act shall die or become incapable of acting, it shall be lawful for the said Commissioners from Time to Time to appoint such competent Person or Persons as they shall deem fit as Valuer or Valuers, with the like Powers and Duties, and whose Costs and Expences shall be payable in like Manner, as is herein-before provided with respect to Valuers to be appointed and acting under any such Agreement for Commutation as aforesaid.

If Valuers be not appointed within Six Months, or Valuation be not made within that Period, Commissioners may appoint.

XXXIX. And be it enacted, That if any Action or Suit shall be depending touching the Right to or Amount of any Fines or other Manorial Payments or Incidents (except Mines and Minerals), or any Question shall arise thereon, it shall be lawful for the said Commissioners or Assistant Commissioner to appoint a Time and Place in or near the Manor for hearing and determining the same, and to inquire into, hear, and determine such Right or Amount, or such Question or Questions as aforesaid; and the Decision of the said Commissioners or Assistant Commissioner at such Meeting, or any adjourned or renewed Meeting, shall, subject to the Provisions herein-after contained, be binding and conclusive on all Persons to whom Twenty Days Notice of the Time, Place, and Intent of such Meeting shall have been given, or left at their usual Place of Abode, or left with the occupying Tenant of the Lands to which such Meeting shall relate, his, her, and their Heirs, Executors, Administrators, and Assigns, and the Successors of any Body Politic or Corporate; and such occupying Tenant shall forthwith send such Notice by Post or otherwise to the Party for whom the same was left, and in default of so doing shall be liable to the Penalty of not less than Five Pounds and not more than Twenty Pounds, to be recovered before Two of Her Majesty's Justices of the Peace on summary Application in manner herein-after mentioned, and shall also be liable to pay and make good to such Party all Damage which he may sustain by such Default, to be recovered, with full Costs of Suit, in an Action in any of Her Majesty's Courts of Law at *Westminster*: Provided always, that if any such Decision shall directly or indirectly affect any Right to Mines or Minerals, such Decision, so far as it relates to any such Right, shall be null and void, and of no Effect whatever, either at Law or in Equity.

Commissioners may hear and determine Disputes.

Proviso as to Rights to Mines or Minerals.

Persons dissatisfied with Decision may appeal by Issue at Law or on Case stated.

XL. Provided always, and be it enacted, That any Person claiming to be interested in any Lands, who shall be dissatisfied with any such Decision of the said Commissioners or Assistant Commissioner, may, if the yearly Value of the Payment to be made or witholden according to such Decision shall exceed the Sum of Twenty Pounds, cause an Action to be brought in any of Her Majesty's Courts of Law at *Westminster* against the Person in whose Favour such Decision shall have been made, within Three Calendar Months next after such Decision shall have been notified in Writing, in such Manner as the said Commissioners or Assistant Commissioner shall direct, to the Parties interested therein, or to their known Agents, in which Action the Plaintiff shall deliver a feigned Issue, whereby such disputed Right may be tried, and shall proceed to a Trial at Law of such Issue at the Sittings after the Term or at the Assizes then next or next but One after such Action shall have been commenced to be holden for the County within which the Lands or the greater Part thereof are situated, with Liberty nevertheless for the Court in which the same shall have been commenced, or any Judge of Her Majesty's Courts of Law at *Westminster*, to extend the Time for going to Trial therein, or to direct the Trial to be in another County, if it shall seem fit to such Court or Judge so to do; and every Defendant in any such Action shall enter an Appearance thereto, and accept such Issue; but in case the Parties shall differ as to the Form of such Issue, or in case the Defendant shall fail to enter such Appearance or accept such Issue, then the same shall be settled under the Direction of the Court in which the Action shall be brought, or by any Judge of Her Majesty's Courts of Law at *Westminster*, and the Plaintiff may proceed thereon in like Manner as if the Defendant had appeared and accepted such Issue; and the Parties in such Action shall produce to each other, their respective Attornies or Counsel, at such Time and Place as any Judge may order, before Trial, and also to the Court and Jury upon the Trial of any such Issue, all Books, Deeds, Papers, and Writings, Terriers, Maps, Plans, and Surveys, relating to the Matters in Issue, in their respective Custody or Power; and it shall be lawful for the Judge by whom any such Action shall be tried, if he shall think fit, to direct the Jury to find a Verdict subject to the Opinion of the Court upon a Special Case; and the Verdict which shall be given in any such Action, or the Judgment of the Court upon the Case subject to which the same may be given, shall be final and binding upon all Parties thereto, unless the Court wherein such Action shall be brought shall set aside such Verdict, and order a new Trial to be had therein, which it shall be lawful for the said Court to do if it shall see fit: Provided also, that in case any such Decision shall involve a Question of Law only, and the Parties in difference shall be agreed upon the Facts relating thereto, and whereon such Decision shall have been founded, the said Commissioners or Assistant Commissioner, at the Request of the Person dissatisfied (such Request to be made in Writing within

within

within Three Calendar Months after such Decision, and at least Fourteen Days previous Notice in Writing of such Request to be given in like Manner to the other Parties in difference, or to their known Agents), shall direct a Case to be stated for the Opinion of such one of Her Majesty's Courts of Law at *Westminster* as the said Commissioners or Assistant Commissioner shall think fit, which Case shall be settled by them or him, or under their or his Direction, in case the Parties differ about the same, and may be set down for Argument, and be brought before the Court in like Manner as other Cases are brought before the Court; and the Decision of such Court upon every Case so brought before it shall be binding upon all Parties concerned therein: Provided always, that after such Verdict given, and not set aside by the Court, or after such Decision of the Court, the said Commissioners or Assistant Commissioner shall be bound by such Verdict or Decision; and the Costs of every Action, or of stating such Case, and obtaining a Decision thereon, shall be in the Discretion of the Court in or by which the same shall be decided, which may order the same to be taxed by the proper Officer of the Court, and the like Execution may be had for the same as if such Costs had been recovered upon a Judgment of Record of the said Court.

Verdict to be final.

Costs.

XLII. And be it enacted, That no Proceedings of or before the said Commissioners or Assistant Commissioner, or in any Action, or in any Case stated, or Reference, in pursuance of this Act, shall abate or cease by reason of the Death of any Person interested therein.

Proceedings not to abate by Death of Parties.

XLIII. And be it enacted, That if any Person in whose Favour any such Decision of the said Commissioners or any Assistant Commissioner shall have been made shall die before any such Action shall have been brought or Case stated, and before the Expiration of the Time herein-before limited for that Purpose, it shall be lawful for any Person who might have brought such Action, or have had such Case stated, against the Person so dying, to bring or have the same within the Time so limited as aforesaid nominally against such Person as if living, and to serve the said Commissioners or Assistant Commissioner with Process and Notices relating thereto in the same Manner as the Person deceased might have been served therewith if living; and it shall be lawful for every Person entitled to the Benefit of such Decision as aforesaid, or in case of any such Person being a Minor, Idiot, Lunatic, Feme Covert, beyond the Seas, or labouring under any other legal Disability, the Guardian, Trustee, Committee of the Estate, Husband or Attorney respectively, or in default thereof such Person as may be nominated for that Purpose by the said Commissioners, and whom they are hereby empowered to nominate under their Hands and Seal, to appear and defend such Action or argue such Case; and Proceedings shall be had therein in the like Manner, and the Rights of all Persons shall be equally bound and concluded by the Event of such Action or the Decision of such Case, as if such Person had been living or free from Dis-

In case of Death of Parties before Actions brought, &c. the same to be brought on in their Names.

ability; and the Costs of every such Action or Case shall be in the Discretion of the Court as aforesaid.

Power to examine Witnesses, call for Papers, &c.

XLIII. And be it enacted, That the said Commissioners or any Assistant Commissioner may, by Summons under their or his Hands or Hand, require the Attendance of all such Persons as they or he may think fit, to examine upon any Matter brought before them or him, or respecting which they or he have or hath Power to act as herein-before mentioned, relating to any such Commutation as aforesaid, or to any Enfranchisement in pursuance of the Provisions herein-after contained, and also make any Inquiry and call for any Answer or Return as to such Matter, and also administer Oaths, and examine all such Persons upon Oath, and cause to be produced before them or him, upon Oath, all Deeds, Documents, and Writings, Books, Court Rolls, Rentals, Contracts, Agreements, Accounts, Writings, Papers, Maps, Plans, and Surveys, or Copies thereof respectively, in anywise relating to any such Matter: Provided always, that no such Person shall be required, in obedience to any such Summons, to travel more than Ten Miles from the Place of his Abode to give Evidence, or produce any Deeds, Papers, or Writings relating to the Title of any Lands, unless such Production shall appear to the said Commissioners or Assistant Commissioner essentially requisite in making the Inquiries to be made under this Act.

Expences of Witnesses, &c.

XLIV. And be it enacted, That the said Commissioners or Assistant Commissioner, in any Case where they or he may see fit, may order such Expences of Witnesses, and of the Production of any Books, Deeds, Court Rolls, Contracts, Accounts, or Writings, Maps, Plans, and Surveys, or Copies thereof, and all other Expences (except the Salaries or Allowance to any of the said Commissioners or Assistant Commissioner provided for as aforesaid) incurred in the Settlement of any Suit or Difference, or in the hearing or determining any Objection, Valuation, Schedule, or Apportionment before the said Commissioners or Assistant Commissioner, to be paid by such Parties interested in the Production thereof respectively, or in the Event of such Suit, Difference, or Objection, and to such Person or Persons and in such Proportions as the said Commissioners or Assistant Commissioner may think fit and reasonable.

Tenant paying Rent-charge to be allowed the same in account with his Landlord.

XLV. And be it enacted, That every Tenant or Occupier who shall pay any such Rent-charge as aforesaid, or any Expences legally chargeable under this Act upon the Land of which he shall be such Tenant or Occupier, shall be entitled to deduct the Amount from the Rent payable by him to his Landlord, and shall be allowed the same in account with his said Landlord.

Lands exempted from Provisions of this Act in certain Cases.

XLVI. Provided always, and be it enacted, That in every Case in which any Tenant or Occupier shall show to the Commissioners that he holds Copyhold Lands for a Term of Years of a Tenant of any Manor at a lower Rent than the Sum about to be imposed on the same for Commutation or Enfranchisement, or for the Expences incurred under the Provisions of this

this Act, it shall be lawful for the said Commissioners to declare all Agreements entered into under the Authority of this Act null and void so far as regards such Lands, and such Lands shall be exempted from the Provisions of this Act, unless the Tenant on the Court Roll shall give such Security, for the Payment of all Sums so to be charged on such Lands, as shall be satisfactory to the said Tenant or Occupier, and to the Commissioners.

XLVII. And be it enacted, That in case the said Rent-charge shall at any Time be in arrear and unpaid for the Space of Twenty-one Days next after any half-yearly Day of Payment, it shall be lawful for the Person entitled to the same, after having given or left Ten Days Notice in Writing at the usual or last known Residence of the Tenant in possession, to distrain upon the Lands liable to the Payment thereof or any Part thereof for all Arrears of the said Rent-charge, and to dispose of the Distress when taken, and otherwise to act and demean himself in relation thereto as any Landlord may for Arrears of Rent reserved on a common Lease for Years, provided that not more than Two Years Arrears shall at any Time be recoverable by Distress.

When Rent-charge is in arrear for Twenty-one Days after half-yearly Days of Payment, the Person entitled thereto may distrain.

XLVIII. And be it enacted, That in case the said Rent-charge shall be in arrear and unpaid for the Space of Forty Days next after any half-yearly Day of Payment, and there shall be no sufficient Distress on the Premises liable to the Payment thereof, it shall be lawful for any Judge of Her Majesty's Courts of Record at *Westminster*, upon Affidavit of the Facts, to order a Writ to be issued directed to the Sheriff of the County in which the Lands chargeable with the Rent-charge are situated, requiring the said Sheriff to summon a Jury to assess the Arrears of Rent-charge remaining unpaid, and to return the Inquisition thereupon taken to some One of Her Majesty's Courts of Law at *Westminster* on a Day therein to be named, either in Term Time or Vacation; a Copy of which Writ, and Notice of the Time and Place of executing the same, shall be given to the Owner of the Land, or left at his last known Place of Abode, or with his known Agent, Ten Days previous to the Execution thereof; and the Sheriff is hereby required to execute such Writ according to the Exigency thereof; and the Costs of such Inquisition shall be taxed by the proper Officer of the Court; and thereupon the Owner of the Rent-charge may sue out a Writ of *Habere facias possessionem*, directed to the Sheriff, commanding him to cause the Owner of the Rent-charge to have Possession of the Lands chargeable therewith until the Arrears of Rent-charge found to be due, and the said Costs, and also the Costs of such Writ, and of executing the same, and of cultivating and keeping Possession of the Lands, shall be fully satisfied: Provided always, that not more than Two Years Arrears, over and above the Time of such Possession, shall be at any Time recoverable.

When Rent-charge is in arrear for Forty Days after half-yearly Days of Payment, and no sufficient Distress on the Premises, Writ to be issued directing Sheriff to summon Jury to assess Arrears.

XLIX. And be it enacted, That it shall be lawful for the Court out of which such Writ shall have issued, or any Judge

Account how to be rendered.

at Chambers, to order the Owner of the Rent-charge who shall be in possession by virtue of such Writ from Time to Time to render an Account of the Rents and Produce of the Lands, and of the Receipts and Payments in respect of the same, and to pay over the Surplus (if any) to the Person for the Time being entitled thereunto, after Satisfaction of such Arrears of Rent-charge and all Costs and Expences as aforesaid, and thereupon a Writ of Supersedeas to issue to the said Writ of Habere facias possessionem, and also by Rule or Order of such Court or Judge from Time to Time to give such summary Relief to the Parties as to the Court or Judge shall seem fit.

L. And be it enacted, That the several Provisions of an Act passed in the Fifth Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to amend an Act of the Eleventh Year of King George the Second respecting the Apportionment of Rents, Annuities, and other periodical Payments*, shall extend to all Rent-charges payable under this Act.

LI. And be it enacted, That nothing in this Act contained shall affect any Right to any Rents, Fines, or Heriots, or any other Manorial Right proposed as the Subject of Commutation, which shall have become due or have accrued on or before the First Day of *January* next following the Confirmation of the Apportionment.

LII. And be it enacted, That it shall be lawful for the Lord of any Manor, and any One or more Tenant or Tenants of such Manor, (whatever may be their respective Interests,) to enter into an Agreement, with the Consent of the Commissioners, for the Commutation of the Lord's Rights to Rents, Fines, and Heriots, or of any such Rights respectively, and any other of the Lord's Rights affecting the Land which shall be included in such Agreement; and such Agreement may include an Apportionment of the Rent-charge or other Consideration for the Commutation, and of the Costs and Expences of and attending the same, and may fix a Scale of Fees to be payable to the Steward from and after the Confirmation of the Agreement, but so nevertheless as not to affect the Interests of any Steward in Office at the Time of the passing of this Act who shall hold his Office for Life or during good Behaviour, or of any Steward of a Manor so in Office as aforesaid where the Usage shall have been such as in the Opinion of the said Commissioners to lead to a just Expectation that the Steward will hold his Office during his Life or good Behaviour; and every such Commutation may be made in consideration of a Rent-charge to commence and (where it shall exceed the Sum of Twenty Shillings) to be variable as aforesaid, and of a Fine certain (not exceeding in any Case the Sum of Five Shillings) upon Death or Alienation, or may be made in consideration of the Payment of a Fine on Death or Alienation; and every such Rent-charge, or, where the Commutation shall be a Fine on Death or Alienation, every such Fine, may be made subject to a certain Increase or Diminution, to be stated in the Agreement, or to be afterwards fixed by Valuers, (as the Case may be,) in any Event which may be provided

Powers of 4 & 5 W. 4. c. 22. to extend to Rent-charges under this Act.

Rents, &c. due before the 1st Jan. next following the Confirmation not to be affected.

Power to effect a voluntary Commutation.

provided for by the Agreement; and whenever so many as Twelve Persons, being Tenants or all the Tenants of any Manor, shall at the same Time agree with the Lord for any such Commutation, and the Agreement shall not include Apportionment, it shall be lawful to effect such Commutation by a Schedule to be prepared by the Steward, and delivered by him to the said Commissioners, and to be confirmed and sealed by such Commissioners under this Act; and all the Provisions herein-before contained for carrying into effect a Commutation Apportionment made by Valuers, and for the Deposit of Copies thereof, shall be applicable to the Case of a Commutation agreed upon between the Lord and such Number of his Tenants as aforesaid, save that the said Commissioners shall not make any Alterations or Amendments in such Schedule, or the Terms of such Commutation, without the Consent of the Parties interested therein: Provided always, that whenever the Estate of any Party to such Commutation shall be less than an Estate of Fee Simple in Possession, or corresponding Copyhold or Customary Estate, Notice in Writing shall be given by or on behalf of such Party to the Person entitled to the next Estate of Inheritance in Remainder or Reversion in the Manor or Land to be affected by such Commutation, so that the Assent or Dissent or Acquiescence of such Person entitled in Remainder or Reversion may be stated in Writing to the said Commissioners when such a Schedule of Apportionment as aforesaid shall be sent to them, but the said Commissioners shall notwithstanding cause such further Notices to be given and such other Inquiries to be made as they shall deem fit before confirming such Apportionment; and in all Cases, if the Parties shall think fit, a Commutation may be effected, with the Consent of the said Commissioners, by such Conveyance, Deed, or Assurance as would or might be adopted for carrying into effect such Commutation if the Lord were seised of the Manor for an absolute Estate of Inheritance in Fee Simple in Possession, or by any Agreement to be enrolled or entered on the Court Rolls of the Manor, a Copy thereof delivered to the Tenant, as in Cases of Admission to Lands Copyhold of the Manor.

referred to in
by 617 No 25111

Proviso.

LIII. And be it enacted, That the Lord of any Manor shall, in addition to other his Remedies for enforcing Admittances and for Recovery of the Fine thereon now possessed in respect of Fines arbitrary, be entitled to adopt and take in all Cases of Commutation Fines, and the Admittance of any Person whomsoever to Lands held subject thereto, the like Proceedings as are authorized in the Admittance of Infants, Femes Coverts, and Lunatics, and Recovery of Fines in such Admittances, in and by an Act passed in the Session of the Eleventh Year of the Reign of His late Majesty King *George* the Fourth and the First Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for the consolidating and amending the Law relating to Property belonging to Infants, Femes Coverts, Idiots, Lunatics, and Persons of unsound Mind.*

Power of Lords
of Manors to
recover Com-
mutation Fines.

11 G. 4. &
1 W. 4. c. 65.

Power to effect supplemental or substituted Commutation.

LIV. And be it enacted, That from and after any Commutation to be effected under this Act which shall not comprise all the Manorial Rights under which the Lands the Subject thereof shall be held, it shall and may be lawful for the Lord and Tenants for the Time being, and in like Manner as aforesaid, from Time to Time to commute any Rights not previously commuted, and either in consideration of a Rent-charge and Fines limited as aforesaid, or of Fines payable on Death or Alienation, and whether the original Commutation was in the one Mode or the other; also to provide that such additional Payments shall, if of the same Class, be added to and increase the Payments under the original Commutation or be made separately payable; also that it shall be lawful in like Manner, and at any Time after any such Commutation or supplemental Commutation, to substitute a Commutation at a Rent-charge and Fines limited in Amount as aforesaid for a Commutation under this Act at Fines payable on Death or Alienation.

Apportionment of Rents and Fines.

LV. And be it enacted, That after any Commutation Apportionment shall have been effected under this Act, any Apportionment of the Commutation Rents or Fines, whether on the Subdivision of the Lands subject thereto, or whenever otherwise required, shall and may be effected by an Entry of Apportionment on the Court Rolls in like Manner and with the like Consent as is now used and adopted in Apportionment of Quit Rents; and which Entry the Steward for the Time being is hereby directed to make, whenever required and authorized so to do, by a Warrant or Authority in Writing under the Hands of the Lord and Tenant for the Time being, stating the Terms of Apportionment, and requiring the Entry of Apportionment on the Court Rolls.

Power to Lords and Tenants to effect voluntary Enfranchisements.

LVI. And be it enacted, That for the Purpose of enabling Lords and Tenants of Manors to effect either general or partial Enfranchisements, it shall be lawful for the Lord of any Manor, whatever may be his Estate or Interest therein, with the Consent of the said Commissioners under this Act, at any Time or Times after the passing of this Act, to enfranchise all or any of the Lands holden of his Manor, in consideration of such Sum or Sums of Money, whether payable forthwith or at a future Time, as shall be agreed to be paid by the Tenant or Tenants whose Lands are to be enfranchised; and it shall be lawful for any Tenant, whatever may be his Estate or Interest, with the like Consent of the said Commissioners under this Act, to accept such Enfranchisement on the Terms so agreed on; and whenever so many as Twelve Persons, being Tenants or all the Tenants of any Manor, shall at the same Time agree with the Lord for the Enfranchisement of their Lands, then it shall be lawful to effect such Enfranchisement by a Schedule of Apportionment which shall have been specifically agreed upon between the Lord and Tenants, and where none such shall have been agreed upon, then by a Schedule of Apportionment to be prepared by the Steward and delivered by him to the said Commissioners, such Schedule to be in either Case afterwards

extended by 7th Dec 55 & 6th Dec 23 & 1

revised & re by 10th Dec 23 & 11

wards confirmed and sealed by such Commissioners; and such Schedule shall state the Sums to be paid for Enfranchisement by the several Tenants, or charged on their respective Lands, and the Periods of the Payment of the Principal Money respectively, or the Commencement of Interest, either pursuant to some Apportionment to be made by Valuers to be appointed by the Lord and Tenants, Parties to the Agreement, or as shall seem just to the said Commissioners, having regard to all the Circumstances of the Case; and where any Compensation shall have been agreed to be paid to the Steward or other Officers of the Manor for the Loss he or they may sustain by such Enfranchisement, which Compensation shall in all Cases be provided for where a Steward shall hold his Office by Patent or other Instrument for the Term of his Life or during good Behaviour, or where, in the Absence of such Patent or other Instrument, the Usage shall have been such as in the Opinion of the said Commissioners to lead to a just Expectation that the Steward will hold his Office during Life or good Behaviour, the Schedule shall contain an Apportionment of the Sum agreed to be paid; and every such Schedule shall contain all such other Matters as shall be requisite for carrying into effect the Provisions of this Act; and all the Provisions herein-before contained for carrying into execution a Commutation Apportionment made by Valuers shall, so far as the same are capable of Application, be deemed and taken to be applicable to the Case of an Enfranchisement under the Provisions herein contained, save that the said Commissioners shall not make any Alterations or Amendments in such Schedule without the Consent of the Parties interested therein: Provided always, that

Provido.

whenever the Estate of any Party to such Enfranchisement shall be less than an Estate of Fee Simple in Possession, or corresponding Copyhold or Customary Estate, Notice in Writing shall be given by or on behalf of such Party to the Person entitled to the next Estate of Inheritance in Remainder or Reversion in the Manor or Land to be affected by such Enfranchisement, so that the Assent or Dissent or Acquiescence of such Person entitled in Remainder or Reversion may be stated in Writing to the said Commissioners, when such a Schedule of Apportionment as aforesaid, or when such Conveyance, Deed, or Assurance as herein-after mentioned, shall be sent to them, but the said Commissioners shall notwithstanding cause such further Notices to be given and such other Inquiries to be made as they shall deem fit before confirming such Apportionment, or consenting to such Conveyance, Deed, or Assurance: Provided also, that in case the Person so next entitled in Remainder or Reversion as aforesaid shall be a Minor, Idiot, Lunatic, Feme Covert, or under any other legal Disability, or shall be beyond the Seas, such Notice as aforesaid shall be given to the Guardian, Trustees, Committee of the Estate, Husband, or Attorney of such Person respectively, or in default thereof, or in case the Person so entitled shall be unknown or not ascertained, then such Notice shall be given to some Per-

son, to be nominated for that Purpose by some Writing under the Hands and Seal of the said Commissioners, after due Inquiry shall have been made by them as to the Fitness of such Person to judge of the Propriety of assenting to or dissenting from any such Agreement; and that in every Case in which Dissent in Writing shall have been expressed, the Commissioners shall withhold their Confirmation of the Apportionment, or their Consent to the Conveyance, Deed, or Assurance herein-after mentioned, until upon further Inquiry they shall be satisfied that the Agreement is not fairly open to Objection.

For effecting such Enfranchisement if Agreement not entered into by all the Tenants, or their Number be less than 12.

LVII. And be it enacted, That if such Agreement for Enfranchisement shall not be entered into by all the Tenants of the Manor, or their Number shall be less than Twelve, or, whatever may be their Number, if the Parties shall think fit, an Enfranchisement may be effected, with the Consent of the said Commissioners, by such Conveyance, Deed, or Assurance as would or might be adopted for effecting such Enfranchisement if the Lord were seised of the Manor for an absolute Estate of Inheritance in Fee Simple in Possession.

Commissioners, before giving their Consent, to satisfy themselves of the Title to the Manor; and the Expences of the Investigation, as well as the general Expences, to be borne by the Parties as may be agreed upon, and in default as the Commissioners shall direct.

LVIII. And be it enacted, That in every Case in which any such Agreement for Enfranchisement shall be so entered into, and shall be proposed to be carried into effect by a Schedule of Apportionment, the said Commissioners, before they shall signify their Consent thereto, shall, upon the written Request of any Three or more Tenants, Parties to the Agreement, but not otherwise, satisfy themselves, in such Way and by such Evidence as they shall see fit, of the Title of the Lord to the Manor; and the Expence of investigating the Title to the Manor, and the other Expences attending every such Agreement, whether carried into effect by a Schedule of Apportionment or otherwise, and the Confirmation thereof and the Schedule of Apportionment (if any), shall be borne by the Lord and Tenants, Parties to such Agreement, in such Proportions as they may agree, or in default of Agreement as the said Commissioners may direct: Provided always, that the Expences payable by Lords of Manors having particular Interests or being Trustees shall, with any other Expences they may reasonably incur in or about any such Agreement (the Amount of such last-mentioned Expences being subject to the Approval of the said Commissioners), be paid out of the first Monies to be received out of the Enfranchisements to be effected under this Act: Provided always, that if the Lord shall refuse to afford such Information as may enable the Commissioners to be satisfied of his Title, or if the Commissioners shall for any other Reason not be satisfied of such Title, the said Agreement so entered into shall be null and void.

Payment of Enfranchisement Money where the Lord's Interest is a partial one, &c.

LIX. And be it enacted, That in all Cases in which the Lord for the Time being shall be only entitled to the Manor for a limited Estate or Interest therein, or shall be under any legal Disability, the Sum or Sums of Money to be paid for Enfranchisement shall be paid and applied in manner herein-after provided for.

LX. And

LX. And be it enacted, That whenever by any such Agreement as aforesaid which shall be proposed to be carried into effect by a Schedule of Apportionment it shall have been stipulated that any Tenant shall be at liberty to defer the Payment of a Portion of the Sum charged in respect of his Lands or any Portion thereof, and such Tenant shall give Notice under his Hand to the Steward or Lord, as herein-before directed with respect to Notices in Cases of Commutation, of his Desire to defer Payment accordingly, at any reasonable Time after the Execution of any such Agreement for Enfranchisement, and before the Delivery of the Schedule to the Commissioners, it shall be lawful for the said Commissioners in their Schedule of Apportionment in every such Case, and also (with the Consent of the Lord) in the Case of any such Tenant giving Notice as aforesaid, although no Stipulation shall have been made by the Agreement, to award that so much of the Sum apportioned to any such Tenant as shall have been charged for Enfranchisement from Fines or other Manorial Rights to which such Tenant, if he possessed a Life or other limited Interest, would not have been liable thereafter during his Tenancy, shall not be paid until the Period of the next Act or Event on which a Fine or other such Manorial Right would have become payable or due to the Lord if the said Lands had remained unenfranchised, and that within Six Months after such Act or Event the said Sum shall become payable, with such Addition thereto as the said Commissioners shall direct.

Tenants may defer, in certain Cases, the Payment of a Portion of the Consideration for Enfranchisement until the next Event at which a Fine would be payable.

LXI. And be it also enacted, That as soon as the said Sum, with such Addition thereto, shall become payable, the Lord or other Person for the Time being entitled to the Benefit thereof shall become entitled to the Rents and Profits of the Land in respect of which the same shall be due, unless and until he shall have received Notice that such Sum is become payable so that he may proceed to recover the same; and it shall be lawful for such Lord or other Person to proceed to obtain Possession of the said Rents and Profits, in like Manner as if the said Land had been lawfully seized into the Hands of the Lord for some Default of the Tenant; provided that Notice in Writing stating the Nature of such Act or Event as aforesaid, delivered by or on behalf of the Tenant to the Lord or other Person entitled, or the Clerk of the Peace or other Persons having the Custody of the Schedule of Apportionment, shall be deemed sufficient Notice that the said Sum is payable; and as soon as the said Sum is become payable the Land in respect of which the same shall be due, and the beneficial Owner thereof for the Time being, shall be subject to the like Remedies for the Recovery thereof, and such Sum shall become applicable in like Manner, subject to any such Allowance thereout as herein-after provided, as if such Land had not been previously enfranchised, and the Payment for the same had not been deferred.

When such Sum becomes due the Lord to be entitled to the Rent and Profits of the Land, and may proceed to obtain Possession, &c.

LXII. And be it enacted, That for the Purpose of freeing other Tenants from the Inconvenience to which in certain Cases they might be subjected by an immediate Liability to the Pay-

Power for other Tenants to defer Payment of Consideration for Enfranchisement.

ment of the Sums to be agreed to be paid to the Lord of the Manor for Enfranchisement under this Act, it shall be lawful for such Tenant, at any reasonable Time after the Execution of any such Agreement for Enfranchisement as aforesaid (to be fixed by the said Commissioners, and in default of their fixing any other Limit at any other Time, or until within Ten Days next previous to the Delivery by the Steward to the Commissioners of the Schedule of such Apportionment), to declare, by Notice under his Hand, to be delivered to the Lord or Steward as herein-before provided with respect to Notices in Cases of Commutation, his Desire that such Compensation Money should remain a Charge on the Lands affected thereby for any Number of Years not exceeding Fourteen Years, or, if a Tenant for Life, for the whole Period of his Life and One Year longer, and which Notice the Steward shall forthwith, or with the said Schedule of Apportionment, send to the said Commissioners; and thereupon the said Commissioners, with the Consent of the Lord, but not otherwise, shall insert in a Column of such Apportionment to be appropriated to such Purpose the Number of Years or Period for which such Charge is to be continued, and thereupon (subject as after mentioned) no Proceedings shall be instituted during such Time or Period to enforce Payment of the Principal Money so apportioned: Provided nevertheless, that Interest after the Rate of Four Pounds *per Centum per Annum* thereon shall be payable and paid half-yearly on the Days to be mentioned in such Apportionment, or, if not mentioned, then at the Expiration of each Half Year computed from the Date thereof; and nothing herein contained shall extend to protect any Tenant or other Person from such Proceedings, in case Interest for One Year and a Half shall remain due on the Principal Sum apportioned or awarded or on any Part thereof to the Amount of One Half: Provided also, that during the Term or Period so fixed the Lord shall not be compellable to receive Payment of the Principal Money without receiving Twelve Calendar Months Notice of the Intention to pay off the same; and in case the Interest on such Principal Sum or any Part thereof shall at any Time be in arrear or unpaid for Thirty Days after any half-yearly Payment shall be due as aforesaid, it shall be lawful for the Lord or Party entitled for the Time being to receive such Interest Money to levy the same by Distress and Sale of the Goods on the Lands and Tenements enfranchised and affected by such Enfranchisement, or any of them, as fully and in like Manner as if the same had been Rent in arrear, and subject to Recovery by Distress.

LXIII. And be it enacted, That where the Lord of the Manor shall be only entitled for a limited Estate or Interest therein, and the said Commissioners shall have deferred Payment of any Sum or Sums for Enfranchisement under the Powers herein-before contained, so that instead of such Lord receiving a certain Sum, or the Interest thereon, forthwith, he, or the Lord for the Time being, shall become entitled at a future Period to the said deferred Sum, with an Addition thereto

Where Payments are deferred by Tenants, Provision to be made for such Lords as are only Tenants for Life.

thereto on account of the Fine which would have become payable on the Act or Event fixing such Period, or with an Addition thereto on any other Account, it shall be lawful for the said Commissioners to award and direct that out of the Money payable or chargeable forthwith for Enfranchisement of any Lands in such Manor a certain Sum of Principal Money shall be paid to or charged in favour of such Lord as if he were absolutely seised as Tenant in Fee Simple in Possession of such Manor, and such Principal Sum shall be paid or charged accordingly; and in case it shall happen that there shall be no Money payable forthwith for Enfranchisement, or not sufficient for making such Allowance to the Lord as aforesaid, or with the Consent of the Lord in any Case, it shall be lawful for the said Commissioners to award and direct that so much of the Sum payable at a future Period as they shall think adequate to his Interest shall become his absolute Property, and shall be paid or charged accordingly.

LXIV. And be it enacted, That all Lands which shall be enfranchised under this Act shall be deemed to be held under the same Title as that under which the same were held at the Time of such Enfranchisement, and shall not be subject to any Estates, Rights, Titles, Interests, Incumbrances, Claims, or Demands affecting the Manor of which the same were holden.

Substituted
Titles.

*For Act 15 & 16 Vic.
c. 57 s. 26*

LXV. And be it enacted, That the Expences of Valuations, including the Expence of making Copies of Apportionments, Schedules, and all other Documents required under the Provisions of this Act, and all other Expences necessary in the making any Commutation or Enfranchisement as aforesaid, except when otherwise provided by this Act, shall be paid by the Tenants, or by the Tenants and Lords, in such Proportions as the said Commissioners shall in the confirmed Apportionment, or otherwise, under their Hands and Seal, direct; and that if any Difference shall arise touching the Amount of the said Expences, or the Share thereof to be paid by or to any Person, it shall be lawful for the said Commissioners or Assistant Commissioner to certify under their or his Hands or Hand the Amount to be paid by or to such Person; and in case any Person shall refuse or neglect to pay the Amount so certified or specified in such Apportionment to be payable from him immediately after Notice thereof, then, upon Production of such Certificate, or of either of the deposited Copies, under Seal, of the said Apportionment, before Two of Her Majesty's Justices of the Peace for the County, Riding, Division, or Jurisdiction wherein the Manor to which the same relates, or the greater Part thereof in Value as appearing in such Apportionment, is situate; and on Proof of such Refusal or Neglect such Justices are hereby authorized and empowered, by Warrant under their Hands and Seals, to cause the same, and the Costs of Application and Distress, to be levied by Distress and Sale of the Goods of the Person liable to pay the same, and to render the Surplus (if any), after deducting the Costs of Distress and Sale, to the Person distrained upon.

General Ex-
pences.

LXVI. And

Action for
Expences.

LXVI. And be it enacted, That if such Expences shall not be levied under the said Distress within Two Months after the said Warrant shall be granted it shall be lawful for the Person entitled to the said Expences (if the same shall, with the Costs of Application to such Justices, amount to Forty Shillings or upwards), and his Executors or Administrators, to recover the same Expences and Costs, with full Costs of Suit, in an Action of Debt in any of Her Majesty's Courts of Law at *Westminster* against the Party named in such Warrant and Certificate or Apportionment as aforesaid, his Executors or Administrators, in which Action such Certificate or deposited Copy of Apportionment shall be satisfactory Evidence of the Amount of such Expences so awarded by the said Commissioners or Assistant Commissioner, and of the same being due for and to the Parties therein named; and the Certificate of such Justices under their Hands on such Warrant shall in like Manner be Evidence of the Amount of Costs of such Application; and the Production of such Warrant (which in all such Cases shall be allowed, and such Certificate given by such Justices,) shall be satisfactory Evidence of the Non-recovery of such Expences and Costs respectively under a Distress.

Expences of }
Trustees.

LXVII. And be it enacted, That every Tenant, being a Trustee, or not beneficially interested in the Lands of which he stands admitted Tenant to be affected by any Commutation or Enfranchisement under this Act (save as against an unadmitted Mortgagee), shall be entitled to recover in like Manner, by Distress or Action respectively, all Expences, Costs, and Charges which he may have to pay under or by reason of any such Certificate, Apportionment, Distress, or Action, from the Person beneficially interested at the Date of such Apportionment in the said Lands, his Executors, Administrators, or Assigns, or by a like Distress on the said Lands, and the Occupier thereof shall be entitled to deduct any such Payments out of any Rent then or subsequently due; and should any Dispute arise as to any Trusteeship or Right to such Recovery, the same shall be determined by the said Commissioners or Assistant Commissioner in like Manner as is herein-before provided with respect to other Causes of Dispute or Difference arising under this Act, and their or his Certificate shall be deemed satisfactory Evidence of the Facts therein stated; and the like Evidence shall be produced before such Justices or in such Action as is herein-before provided in other Cases of Distress.

Copyholders
having limited
Interests may
charge Costs on
the Lands in
certain Cases.

LXVIII. And be it enacted, That any Tenant having a limited Interest, and who shall pay any such Expences or Costs, may, with the Consent of the said Commissioners under their Hands, and by a simple Entry on the Court Rolls of the Manor (and for which Entry the Steward shall only charge Thirteen Shillings and Four-pence, and which shall not be subject to any Stamp Duty,) charge such Expences and Costs, with Interest thereon at the Rate of Four Pounds *per Centum per Annum*, on the Copyhold Lands to which the same shall relate, but so nevertheless that the principal Charge on such Lands shall be lessened

see 7484c 55043

7484c 5502

lessened in every Year following such Charge by One Twentieth Part at least of such original Charge thereon, and shall be subject to previous Mortgages.

LXIX. And be it enacted, That any Lord of a Manor having a particular Interest, or being a Trustee, and who shall (in the Case of a Commutation) pay any such Expences or Costs, may, with the like Consent of the said Commissioners, charge such Expences and Costs, together with the Expences he may reasonably incur in employing Agents to protect his Interests or otherwise, with Interest thereon at the Rate of Four Pounds per Centum per Annum, on the Manor to which the same may relate, but so nevertheless that the principal Charge on such Manor shall be lessened in every Year following such Charge by One Twentieth Part at least of such original Charge thereon, and shall be subject to previous Mortgages: Provided always, that the Amount of such last-mentioned Expences shall have been previously submitted to and shall have received the Approval of the said Commissioners or of an Assistant Commissioner.

Expences payable by Lords of Manors may be charged on the Manors.

LXX. And be it enacted, That from and immediately after the Date of the final Confirmation of the Apportionment, in the Case of any such Enfranchisement as aforesaid, or from the Date of the Conveyance, Deed, or Assurance by which the Enfranchisement shall be effected, (as the Case may be,) the several and respective Lands shall stand charged and chargeable with the respective Sums mentioned in such Apportionment to be payable to the Lord and Steward or other Officers respectively, with lawful Interest for the same from the Day mentioned in the said Apportionment until Payment thereof respectively; and until such respective Payment or Payments the Person or Persons for the Time being seised of the Manor shall be deemed to stand seised of the said Lands as Mortgagee in Fee thereof, for the Benefit of the Lords as to the Sum payable to them, and of the said Steward or other Officers as to the Sums payable to him or them, and subject to the Power of continuing the Charge as herein-before provided; and that it shall and may be lawful for the Person so seised, or the Lords or Stewards respectively in his Name, from Time to Time to adopt such Means and Proceedings as a Mortgagee in Fee of Freehold Lands is entitled to for the enforcing Payment of such Principal Sums and Interest, with the like Right to obtain Payment of all attendant and incident Costs and Expences; and the Lord shall have Power to distrain on the Lands in respect of which the said Sum or Sums shall be payable for the Purpose of recovering Payment of the Interest that shall be due thereon, as fully and in like Manner as if the same had been Rent in arrear.

Lands to be charged with Enfranchisement Considerations as on Mortgage in Fee.

see 7th 10/25/4

LXXI. And be it enacted, That every such last-mentioned Sum by this Act charged on any Lands shall be a first Charge on such Lands, and shall have Priority over all Mortgages, Charges, and Incumbrances whatsoever affecting such Lands, Tithe Rent-charge excepted, notwithstanding such Mortgages, Charges,

Such Sums to be first Charges on the Lands.

see 8th 10/25/4
7th 10/25/4

Charges, and Incumbrances shall have been or shall be respectively made and created before such Sums respectively shall be charged on such Lands.

Power to
mortgage.

227 + 88055041

LXXII. And be it enacted, That it shall be lawful for any Tenant whose Lands shall be enfranchised under this Act to charge the same (or any of them, provided he shall hold the whole thereof under the same Right and the same Estate,) with the Payment of such Sums as aforesaid (and the Costs of such Charges), and lawful Interest thereon respectively, to any Person who shall advance and lend such Sums on the Security of the Lands so to be charged, and his Executors, Administrators, and Assigns, and for securing the Payment thereof, with such Interest, to demise the said Lands by way of Mortgage for any Term of Years to the Person who shall lend such Sums, his Executors, Administrators, and Assigns, or to such other Person as he or they shall appoint, so as such Demise be made with a Proviso or Condition declaring that such Term shall be void on Payment of the Amount thereby secured, with Interest thereon, at a Time to be therein appointed; and such Charge shall have the like Priority with the original Charge under this Act, and with the Powers and Rights to which a first Mortgagee would as Mortgagee by Demise be entitled.

To whom
Monies for En-
franchisement
from Lords
Rights to be
paid.

In case of a
limited Estate,
or Disability,
the Money, if
amounting to
200l. to be
paid into the
Bank of
England under
1 G. 4. c. 35.

but see 60/1023
8/14

LXXIII. And be it enacted, That all Monies to be paid under this Act for Enfranchisement from the Lord's Right shall be paid to the Lord of the Manor, his Heirs or Assigns, where he shall be absolutely seised as Tenant in Fee Simple in Possession of the Manor, or where, as Trustee for Sale or otherwise, he has Power to give an effectual Discharge for such Monies; and where such Lord for the Time being shall be only entitled for a limited Estate or Interest therein, or shall be under any legal Disability, such Money, subject to any Allowance which may be made thereout in respect of deferred Payments hereinbefore mentioned, shall, in case the same shall in the whole amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed to his Account there *ex parte* "The Copyhold Commissioners," pursuant to the Method prescribed by an Act passed in the First Year of the Reign of His late Majesty King George the Fourth, intituled *An Act for better securing Monies and Effects paid into the Court of Exchequer at Westminster on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes*, and the General Orders of the said Court, and without Fee or Reward; and shall, when so paid in, therein remain, until the same shall, by Order of the said Court, made in a summary Way upon Petition to be presented to the said Court by the Person or Persons who would have been entitled to the Rents and Profits of the said Manor had no such Enfranchisement been made as aforesaid, be applied in the Purchase of or Redemption of the Land Tax, or in or towards the Discharge of any Debt or other Incumbrance affecting the said Manor,

Manor, or affecting other Lands standing settled therewith to the same or the like Uses, Trusts, Intents, or Purposes, as the said Court of Exchequer shall authorize to be purchased or paid, or such Part thereof as shall be necessary; or until the same shall, upon the like Application, be laid out, by Order of the said Court, made in a summary Way as aforesaid, in the Purchase of Lands, which shall be conveyed, limited, and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes as the said Manor, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking effect; and in the meantime and until such Purchase can be made the same Money may, by Order of the said Court, upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated Bank Annuities or Three Pounds *per Centum* Reduced Bank Annuities, or in Government or Real Securities; and in the meantime, and until such Annuities or Securities shall be ordered by the said Court to be sold for the Purposes aforesaid, or shall be called in or cancelled, the Dividends or Interest and annual Produce thereof shall from Time to Time, by Order of the said Court, be paid to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Manor had no Enfranchisement been made as aforesaid.

LXXIV. Provided always, and be it enacted, That if any Money to be paid for the Enfranchisement from the Lord's Rights shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, after such Allowance for deferred Payments as aforesaid, then the same shall, at the Option of the respective Parties for the Time being entitled to the said Manor the Right of which shall be enfranchised, or of their respective Husbands, Guardians, or Committees, in case of Coverture, Infancy, Idiocy, Lunacy, or other Incapacity, be paid into the Bank of *England* in the Name and with the Privity of the said Accountant General, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same may be paid, at the like Option, to Two Trustees, to be nominated by the respective Parties exercising such Option, and such Nomination and Approbation to be signified in Writing under the Hands of the nominating Parties; and the Money so paid to such Trustees, and the Dividends and Produce so arising therefrom, shall be by such Trustees applied in like Manner as is herein-before directed with respect to the Money to be paid into the Bank of *England* in the Name of the Accountant General of the Court of Exchequer.

When less than
200*l.* and
exceeding 20*l.*

LXXV. Provided also, and be it further enacted, That when any Money so to be paid as last herein-before mentioned shall not exceed the Sum of Twenty Pounds for all the Enfranchisements in such Manor, the same shall be paid, if the said Commissioners shall so direct, to the respective Parties for the Time being entitled to the said Manor, for his own Use and Benefit,

When not
exceeding 20*l.*

or,

or, in case of Coverture, Infancy, Idiocy, Lunacy, or other Incapacity, then such Money shall be paid, for their Use, to their respective Husbands, Guardians, Committees, or Trustees; and in case any Dispute shall arise as to the proper Application, Appropriation, or Investment of any Enfranchisement Money, according to the Intention of this Act, it shall be lawful for the said Commissioners to decide such Question, and their Decision shall be final and conclusive thereon.

In case Enfranchisement Money be paid to a Lord not entitled thereto.

LXXVI. Provided always, and be it enacted, That if any Principal Money shall be paid for Enfranchisement to the Lord of any Manor not entitled by the Provisions of this Act to receive the same, the Land in respect of which such Principal Money shall have been so paid shall continue charged with the Payment thereof in favour of the Person legally or equitably entitled to the same, but with such Remedies against the Person who shall have wrongfully received such Money as Purchasers are entitled to by the Rules of Law or Equity.

Payments to Stewards.

LXXVII. And be it enacted, That all Sums payable under this Act for Compensation to the Steward shall be paid to him, his Executors or Administrators.

Receipts to be sufficient Discharges.

LXXVIII. And be it enacted, That the Receipts of the Persons to whom any Sums of Money shall be paid pursuant to this Act shall be sufficient Discharges for the same, and the Person making such Payment shall not be liable to see to the Application of any such Sums, or be answerable for the Misapplication or Nonapplication thereof; and for the better evidencing such Payment the Steward for the said Manor for the Time being shall, as to Steward's Compensation forthwith after Payment thereof, and as to the Payments for Enfranchisements from the Lord's Rights forthwith after Production of Receipt for the same, signed by the Party entitled to sign the same, enter on the Copy Apportionment to be deposited with him as aforesaid a Memorandum of such Payment, and which Memorandum shall, in like Manner as such Receipt, be deemed sufficient Evidence of such Payment, and discharge the Lands and the Person paying the same from the Sums mentioned to be paid.

After Confirmation of the Apportionment, &c. in Cases of Commutation the Customary Modes of Descent to cease, and the Lands to descend, and to be subject to Dower and Curtesy, in like Manner as Freehold Lands.

LXXIX. And be it enacted, That from and after the final Confirmation of the Apportionment, in the Case of any Commutation under this Act, or upon the Execution of the Deed whereby any voluntary Commutation may have been effected, the several Lands included in such Commutation shall be held by Copy of Court Roll, and shall be conveyed by Surrender and Admittance, in all Cases in which the same shall have been previously so held and conveyed respectively, and in all other Cases shall be held and conveyed in such Manner as the same are now by Custom held and conveyed, and shall continue Parcel of the same Manors as such Lands would have been held of if such Commutation had not taken place, but the same Lands shall thenceforth cease to be subject to the Customs of Borough English or Gavelkind, or to any other Customary Mode of Descent, or to any Custom relating to Dower

or Freebench or Tenancy by the Curtesy of *England*; and all the Laws relating to Descents, or to Estates of Dower, or Estates by the Curtesy of *England*, which shall for the Time being affect and be applicable to Lands held in Free and Common Soccage, shall thenceforth affect and be applicable to the Lands included in every such Commutation: Provided always, that nothing herein contained as to Curtesy or Dower or Freebench shall extend or be applicable to the Case of any Husband or Widow who shall have been or shall be married before the final Confirmation of the Commutation Apportionment, or the Execution of such Deed as aforesaid, or to alter or lessen, or in any way affect, any Right which the Husband or Widow of any Person who shall be Tenant of a Manor at the Time of the Confirmation of the said Apportionment would or might have had if such Commutation had not been made.

Proviso.

LXXX. Provided always, and it is hereby expressly enacted and declared, That nothing in this Act contained shall extend, or be held, deemed, or construed to extend, in any respect to affect, alter, or vary the Custom of Gavelkind as the same now exists and prevails in the County of *Kent*, but the same Custom shall in every respect prevail and continue to prevail and be exercised in the said County, in the same Manner and to the same Extent, in all Respects and Particulars, after this Act shall have passed, as it has prevailed and existed heretofore, any thing herein contained notwithstanding.

Gavelkind exempted from Operation of Act.

LXXXI. And be it enacted, That in the Case of any Enfranchisement under this Act, from and after the final Confirmation of the Apportionment, or the Execution of the Conveyance, (as the Case may be,) the several Lands therein respectively comprised and enfranchised shall become and be in all respects of Freehold Tenure, but subject to the Payment of the Enfranchisement Consideration in favour of the Lords and Steward or other Officer as aforesaid; and all Mortgages affecting the same shall be deemed and become Mortgages of the Freehold of the same Lands for a corresponding Estate, if such Enfranchisement Consideration shall be paid off, and if not so paid off, Mortgages of the Equity of Redemption thereof, subject to such Mortgage Interest as aforesaid for securing such Consideration: Provided always, that nothing herein contained shall operate to deprive any Tenant of any Commonable Right to which he may be entitled in respect of such Lands, but such Right shall continue attached thereto notwithstanding the same shall become Freehold: Provided also, that no such Enfranchisement or Conversion into Freehold shall affect, except as aforesaid, any Mortgage, or defeat the beneficial Limitations of any Will or Settlement theretofore executed, or alter the Descent or Distribution of any Estate or Interest in Land on the Decease of any Tenant or Person entitled thereto in Possession or Remainder at the Time of such Enfranchisement or Conversion.

Lands to become Freehold, subject to the Payment of the Enfranchisement Consideration.

Commonable Rights to remain.

Proviso for Mortgages, Wills, &c.

But now see 15 & 16 Geo. c. 57 Sect. 34

LXXXII. And be it enacted, That no Commutation under this Act shall operate to affect any Rights of Lords of Manors
[No. 19. Price 2d.]

Other Rights of Lords not to be affected.

to Escheats, Fairs, Markets, Appointments, Franchises, Royalties, Rights, Liberties, and Privileges of Chase and Free Warren, Hunting, Hawking, Fowling, and of chasing and killing Game and Beasts of Chase and Free Warren, and all ancient Piscaries, Fisheries, and Rights of Fishing, or any Rights in any Mines and Minerals or Quarries within or under the said Lands and Hereditaments, or any other Manorial Rights whatever, unless expressly commuted under this Act: Provided always, that nothing in this Act contained shall operate to authorize or empower any Lord of any Manor to enclose any Common or Waste Lands or any Part thereof.

Restrictions as to this Act.

LXXXIII. And be it enacted, That nothing herein contained shall operate to prevent any Commutation or Enfranchisement which may be made independently of this Act; and that nothing in this Act contained shall revive any Right to Fines or other Manorial Claims which now or hereafter shall be barred by any Law in force for the Limitation of Actions or Suits.

Power to Tenants to grant Rights of Way, &c. to Lords of Manors for Mining Purposes.

LXXXIV. And be it enacted, That, in aid of the Reservation of the Lord's Rights in Mines and Minerals lastly hereinbefore contained, it shall be lawful for the Tenants, upon any Commutation or Enfranchisement under this Act, to grant to the Lord of the Manor such Rights of Entry and Way, and other Easements, in or upon and through their respective Lands, as may be requisite for the Purpose of enabling the said Lord, or his Agents or Workmen, the more effectually to win and carry away any Mines or Minerals under the Lands of such Tenants or any of them; and that, for the Purposes of such Grant, it shall be sufficient, in the Case of a Commutation, to state the Fact of such Grant, and the Consideration (if any) to be payable for the same, in the Agreement for Commutation; but in the Case of an Enfranchisement of Lands (subject to the Lord's Rights in Mines and Minerals) such Rights of Entry and Way, and other Easements, shall be reserved and granted in the Enfranchisement Conveyance.

Courts of Equity may decree a Partition of Lands of Copyhold or Customary Tenure.

LXXXV. ' And whereas it is expedient that Facilities ' should be afforded by Courts of Equity to Parties desirous of ' obtaining a Partition of their Lands of Copyhold or Customary ' Tenure, but Doubts are entertained whether by the Practice ' of such Courts the same can now be obtained; ' be it enacted and declared, That from and after the passing of this Act, it shall be lawful for any Court of Equity, in any Suit to be thereafter instituted therein for the Partition of Lands of Copyhold or Customary Tenure, to make the like Decree, for ascertaining the Rights of the respective Parties to the Suit in such Lands, and for the Issue of a Commission for the Partition of the same Lands, and the Allotment in Severalty of the respective Shares therein, as, according to the Practice of such Court, may now be made with respect to Lands of Freehold Tenure.

Lords of Manors, or their Stewards, may,

LXXXVI. And be it enacted, That, after the Thirty-first Day of *December* One thousand eight hundred and forty-one, it shall

shall be lawful for the Lord of any Manor, or his Steward, or the Deputy of such Steward, to hold a Customary Court for such Manor, notwithstanding at the Time of holding the same there shall not be any Person who shall hold Lands of such Manor by Copy of Court Roll, and also notwithstanding, if there shall at the Time of holding such Court be any Person or Persons who shall hold Lands of such Manor by Copy of Court Roll, there shall not be any such Person present at such Court, or there shall not be more than One such Person present at such Court; and every Court so holden shall be deemed and taken for all Purposes whatsoever to be a good and sufficient Customary Court: Provided always, that no Proclamation made at any Court so holden shall affect the Right, Title, or Interest of any Person not present at the same unless Notice of such Proclamation having been made shall be duly served, within One Month after such Meeting shall have been holden, on the Persons whose Right, Title, or Interest may be affected by such Proclamation.

LXXXVII. And be it enacted, That after the Thirty-first Day of *December* One thousand eight hundred and forty-one, it shall be lawful for the Lord of any Manor, or his Steward, or the Deputy of such Steward, to grant, at any Time and at any Place, either within or out of such Manor, and without holding a Court for such Manor, any Lands, Parcel of such Manor, to be held by Copy of Court Roll, or according to the Custom of the said Manor, which such Lord shall for the Time being be authorized or empowered to grant out to be held by Copy of Court Roll, or according to such Custom, so nevertheless that such Lands be granted for such Estate only, and to such Person only, as such Lord, Steward, or Deputy shall for the Time being be authorized or empowered to grant the same.

LXXXVIII. And be it enacted, That after the Thirty-first Day of *December* One thousand eight hundred and forty-one, it shall be lawful for the Lord of any Manor, or his Steward, or the Deputy of such Steward, to admit, at any Time and at any Place, either within or out of such Manor, and without holding a Court for such Manor, any Person as Tenant to any Lands, Parcel of such Manor, to be held by Copy of Court Roll, or according to the Custom of such Manor, to and for which such Person shall for the Time being be entitled to be admitted.

LXXXIX. And be it enacted, That after the Thirty-first Day of *December* One thousand eight hundred and forty-one, every Surrender and Deed of Surrender which the Lord shall be compellable to accept or shall accept, and also every Will and Codicil a Copy of which respectively shall be delivered to the Lord of the Manor of which the Lands affected by such Surrender, Deed of Surrender, Will and Codicil are Parcel, or to his Steward, or the Deputy of such Steward, either at any Court holden for such Manor at which there shall not be any Homage assembled, or out of Court, and also every Grant and Admission by the Lord of any Manor, or his Steward, or the Deputy of such Steward, pursuant to this Act, shall be forth-

after 31st Dec. 1841, hold Customary Courts, although no Copyhold Tenant be present

Lords, or their Stewards, may, after 31st Dec. 1841, make, out of the Manors and out of Court, Grants of Lands to be held by Copy of Court Roll.

Lords, or their Stewards, may, after 31st Dec. 1841, grant Admissions out of the Manors and out of Court.

After 31st Dec. 1841 every Surrender, &c. delivered to the Lord or Steward, and every Fact proved to the Lord or Steward, at any Court whereat a Homage shall not be assembled, shall be forthwith entered on the Court Rolls.

with entered on the Court Rolls of the Manor by such Lord, or Steward, or Deputy; and every Entry made on the Court Rolls of any Manor pursuant to this present Clause shall for all Purposes whatsoever be deemed and taken to be an Entry made in pursuance of a Presentment made at a Court holden for such Manor by the Homage assembled thereat; and the Steward, or his Deputy, shall be entitled to the same Fees and other Charges for making such Entry on the Court Rolls as he would have been entitled to in respect of such Entry in case the same had been made in pursuance of a Presentment made at a Court holden for such Manor by the Homage assembled thereat.

After 31st Dec. 1841 Presentment by the Homage shall not be essential to the Validity of an Admission.

Xc. And be it enacted, That, after the Thirty-first Day of *December* One thousand eight hundred and forty-one, it shall not be essential in any Case to the Validity of the Admission of any Person as Tenant of any Lands held of any Manor by Copy of Court Roll, or according to the Custom of such Manor, that a Presentment shall be made by the Homage assembled at any Court holden for such Manor of the Surrender, Will, or other Instrument, or Fact, in pursuance or in consequence of which such Admission shall have been granted.

Lords of Manors in certain Cases not to grant Common or Waste Lands without Consent of Homage of the Manor.

Xci. Provided always, and be it enacted, That where by the Custom of any Manor the Lord of such Manor is authorized, with the Consent of the Homage of such Manor, to grant any Common or Waste Lands of such Manor to be holden of the Lord by Copy of Court Roll, nothing in this Act contained shall operate to authorize or empower the Lord to grant any such Common or Waste Lands without the Consent of the Homage assembled at a Customary Court holden for such Manor, nor shall any Court holden for such Manor be deemed or taken to be a good or sufficient Customary Court for such Purpose unless the same shall have been duly summoned and holden according to the Custom of such Manor in such Cases used and accustomed before the passing of this Act, and unless there shall be present at such Court a sufficient Number of Persons holding Lands of such Manor by Copy of Court Roll to constitute according to such Custom a Homage assembled at such Court.

Power to Lords to grant Licences to Tenants to alienate their ancient Tenements in Portions, where they are now restrained by the Custom from so doing.

Xcii. ' And whereas by the Custom of certain Manors the ' Lords are restrained from granting Licences to their Te- ' nants to alien their ancient Tenements otherwise than by ' Entireties;' be it enacted, That from and after the passing of this Act it shall be lawful for any Tenant of any such Manor, by and with the Licence of the Lord of the Manor, or the Steward thereof, (which Licence such Lord is hereby authorized to give, or to empower the Steward to give, by any Writing under his Hand, to be afterwards entered upon the Rolls of the Manor,) to dispose of his ancient Tenement, or any Part thereof, by Devise, Sale, Exchange, or Mortgage, in such Parcel or Parcels as he shall think proper, but subject to the Payment of such Portion or Portions of the yearly Customary Lord's Rent payable for the whole of such ancient Tenements as shall be set and apportioned upon such Parcel
or

or Parcels by the Lord of the Manor of which such ancient Tenement is holden, or his Steward, or the Deputy of such Steward; and such Parcel or Parcels shall, except so far as the Tenure or Descent thereof shall be affected by this Act, be held of the Lord of the same Manor in all respects, and shall be from Time to Time conveyed in such Manner, as any such original Tenement has by Custom been held and conveyed.

XCIH. And be it enacted, That no Agreement, Award, Schedule of Apportionment, or Power of Attorney, made or confirmed or used under this Act, shall be chargeable with any Stamp Duty.

Awards, &c.
not liable to
Stamp Duties.

XCIV. And be it enacted, That if any Person under the Provisions of this Act shall wilfully give false Evidence he shall be deemed guilty of Perjury; and if any Person shall make or subscribe a false Affidavit or Declaration for the Purposes of this Act he shall suffer the Penalties of Perjury; and if any Person shall wilfully refuse to attend in obedience to any lawful Summons of any Commissioner or Assistant Commissioner, or to give Evidence, or shall wilfully alter, withhold, destroy, or refuse to produce any Book, Deed, Contract, Agreement, Account, or Writing, Terrier, Map, Plan, or Survey, or any Copy of the same, which may be lawfully required to be produced before the said Commissioners or Assistant Commissioners, he shall be deemed guilty of a Misdemeanor.

False Evidence
to be deemed
Perjury.

Withholding
Evidence a
Misdemeanor.

XCV. And be it enacted, That no Action or Suit shall be commenced against any Commissioner, Assistant Commissioner, Justice of the Peace, Valuer, Umpire, or Surveyor for any thing done under the Authority of this Act, until Twenty-one Days Notice thereof shall have been given in Writing to the Party against whom such Action or Suit is intended to be brought, or after sufficient Satisfaction or Tender of Amends shall have been made to any Party aggrieved, or after Three Calendar Months shall have expired from the Commission of the Act for which such Action or Suit shall be so brought; and every such Action shall be brought, laid, and tried in the County or Place where the Cause of Action shall have arisen, and not in any other County or Place; and if it shall appear that such Notice of Action or Suit was brought before Twenty-one Days Notice thereof given as aforesaid, or that sufficient Amends were made or tendered as aforesaid, or if any such Action or Suit shall not be commenced within the Time before limited in that Behalf, or such Action shall be laid in any County or Place other than as aforesaid, then the Jury shall find a Verdict for the Defendant therein, or the Court, upon summary Application by Motion in any such Suit, may dismiss the same against such Defendant; and if a Verdict shall be found for such Defendant, or such Suit shall be dismissed upon Application as aforesaid, or if the Plaintiff in such Action or Suit shall become nonsuit, or suffer a Discontinuance of such Action, or if upon any Demurrer in such Action or Suit Judgment shall be given for the Defendant therein,

Limitation of
Actions against
Commissioners,
Assistant Commis-
sioners, Jus-
tices, &c.

then such Defendant shall have Costs, Charges, and Expences as between Attorney and Client.

Proceedings under this Act not to be quashed for Want of Form nor removed by Certiorari.

XCVI. And be it enacted, That no Order, Adjudication, or Proceeding made or had by or before the said Commissioners or any Assistant Commissioner under the Authority of this Act, or any Proceeding to be had touching any Offender against this Act, shall be quashed for Want of Form, or be removed or removeable by Certiorari, or any other Writ or Process, into any of Her Majesty's Courts of Record at *Westminster* or elsewhere.

Certain Provisions of this Act to extend to Crown Manors and Lands.

XCVII. And be it enacted, That the Provisions of this Act enabling Tenants to grant Rights of Way or Entry and other Easements to the Lord of the Manor in or upon and through their respective Lands for Mining Purposes; for enabling Courts of Equity to decree a Partition of Lands of Copyhold or Customary Tenure; for enabling Lords of Manors or their Stewards to hold Customary Courts although no Copyhold Tenant be present, and for enabling Lords or their Stewards to make, out of the Manors and out of Court, Grants of Lands to be held by Copy of Court Roll; for enabling Lords or their Stewards to grant Admissions out of the Manors and out of Court; and for requiring every Surrender, Will, and Codicil, a Copy of which shall be delivered to the Lord or Steward, and every Fact proved to the Lord or Steward at any Court whereat a Homage shall not be assembled, to be forthwith entered on the Court Rolls; and determining that Presentment by the Homage shall not be essential to the Validity of an Admission, shall extend and apply to Manors or Lands vested in Her Majesty in right of Her Crown and the Duchy of *Lancaster*, and to any Enfranchisement of Lands held of such Manors to be effected under the Powers given by any existing Act or Acts of Parliament, and to the Stewards and Tenants for the Time being of such Manors.

Act to apply to Crown Lands only where expressly provided.

XCVIII. And be it enacted, That, subject as is herein-before expressly provided, nothing in this Act contained shall be taken to apply to any Manors or Hereditaments vested in Her Majesty in right of Her Crown or of the Duchy of *Lancaster*.

Act not to extend to the Duchy of Cornwall.

XCIX. And be it further enacted, That nothing in this Act contained shall extend or be construed to extend to, or to prejudice or derogate from, the Estate, Right, Title, Interests, Privileges, or Authority of the Queen's most Excellent Majesty, Her Heirs and Successors, in right or in respect of Her Duchy of *Cornwall*, or the Possessions thereof, or of the Duke of *Cornwall* for the Time being, nor at any Time or Times be admitted in any Court of Law or Equity, or otherwise construed as Evidence upon any Occasion to be admitted against or to affect in any Manner such Estate, Right, Title, Interest, Privileges, or Authority of Her Majesty, Her Heirs and Successors, in right or in respect of Her said Duchy of *Cornwall* or the Possessions thereof, or of the Duke of *Cornwall* for the Time being.

Limits of Act.

C. And be it enacted, That this Act shall extend only to *England, Wales, and Ireland*.

CI. And

CI. And be it further enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

Act may be amended, &c.

CII. And be it enacted, That in the Construction and for the Purposes of this Act, unless there be something in the Subject or Context repugnant to such Construction, the Word "Manor" shall extend to a Manor or reputed Manor, of whatever Tenure the same may be, or to such Portion or Portions of a Manor as the said Commissioners shall, by any Order in Writing under their Hands and Seals, with the Consent of the Lord of the Manor, signified by Writing under his Hand and Seal, direct to be considered as a Manor for the Purpose of effecting any Commutation or Enfranchisement under this Act; the Words "Lord" and "Steward" shall include the Person or Persons for the Time being filling those respective Characters, or acting in those respective Capacities, whether those Persons shall be rightfully or lawfully entitled to fill such Characters or act in such Capacities, or not, and the Word "Steward" shall also include the Clerk of any Manor; the Words "Tenant" or "Tenants" shall comprise all Persons holding by Copy of Court Roll, or as Customary Tenants, or holding Lands subject to any Manorial Rights, and whether holden to them and their Heirs, or whether granted to Two or more to be holden in Succession, or holden for Life or Lives or Years; the Words "Land" or "Lands" shall extend to and comprise Lands holden by Copy of Court Roll, or by Custom of any Manor, and Lands holden of any Lord of a Manor in Ancient Demesne, and whether in Fee or for Life or Lives, or for Years, and shall also comprise all Lands holden of a Manor subject to any Manorial Rights, and shall extend to Messuages, Tenements, and corporeal or incorporeal Hereditaments subject to Manorial Rights, or any undivided Part or Share therein; the Word "Enfranchisement" shall extend to and include the Discharge of Freehold Lands from Heriots and other Manorial Rights; the Word "Heriots" shall include Money Payments in lieu thereof; the Word "Rents" shall include "Reliefs" and "Services," not being Service at the Lord's Court; and the Word "Person" shall mean and include any Body Politic or Corporate or Collegiate as well as an Individual; and every Word importing the Singular Number only shall mean and include several Persons or Parties as well as one Person or Party, and several Things as well as one Thing respectively, and the converse; and every Word importing the Masculine Gender only shall mean and include a Female as well as a Male.

Interpretation Clause.

See 67/182311

CAP. XXXVI.

An Act to amend an Act of the Fifth and Sixth Years of King *William* the Fourth, "for the more easy Recovery of Tithes;" and to take away the Jurisdiction from the Ecclesiastical Courts in all Matters relating to Tithes of a certain Amount.

[21st June 1841.]

5 & 6 W. 4. c. 74.

Enactments and Provisions of recited Act respecting Proceedings for the Recovery of certain Tithes and other Ecclesiastical Dues extended to all Ecclesiastical Courts in England.

‘ WHEREAS it is expedient to extend all the Provisions of an Act passed in the Fifth and Sixth Years of His late Majesty King *William* the Fourth, intituled *An Act for the more easy Recovery of Tithes*, to all Suits in the Ecclesiastical Courts hereafter to be commenced for the Recovery of any Tithes, Oblations, or Compositions of or under the yearly Value of Ten Pounds, and of any Great or Small Tithes, Moduses, Compositions, Rates, or other Ecclesiastical Dues or Demands whatsoever, of or under the Value of Fifty Pounds, withheld by any Quaker:’ Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act all the Enactments and Provisions of the said recited Act passed in the Fifth and Sixth Years of His late Majesty King *William* the Fourth, respecting Suits or other Proceedings in any of Her Majesty’s Courts in *England*, in respect of Tithes, Oblations, and Compositions of or under the yearly Value of Ten Pounds, and of any Great or Small Tithes, Moduses, Compositions, Rates, or other Ecclesiastical Dues or Demands whatsoever, of or under the Value of Fifty Pounds, withheld by any Quaker, shall extend and be applied to all Ecclesiastical Courts in *England*.

CAP. XXXVII.

An Act for the more easy Recovery of Arrears of Compositions for Tithes from Persons of the Persuasion of the People called Quakers in *Ireland*.

[21st June 1841.]

1 & 2 Vict. c. 109.

‘ WHEREAS by an Act passed in the Session of Parliament holden in the First and Second Years of the Reign of Her present Majesty, intituled *An Act to abolish Compositions for Tithes in Ireland, and to substitute Rent-charges in lieu thereof*, the Right in and to certain Compositions for Tithes therein mentioned was vested in Her Majesty: And whereas it is expedient to make Provision, in manner herein-after mentioned, for the Recovery of such Compositions (without Limit as to the Amount thereof) from Persons of the Persuasion of the People called Quakers;’ be it therefore enacted by the

the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That in all Cases in which the Person liable to the Payment of any Composition for Tithes, the Right in and to which shall have vested in Her Majesty under any of the Provisions of the said recited Act, shall be of the Persuasion of the People called Quakers, the same shall (without Limit as to the Amount) be recoverable by Her Majesty's Attorney General for *Ireland* in such Manner only as by an Act of the Fifth and Sixth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for the more easy Recovery of Tithes*, is expressly or by reference prescribed for the Recovery of Ecclesiastical Demands of or under the Value of Fifty Pounds from Quakers in *Ireland*, but with a like Exception, as is contained in the said last-recited Act, in case the actual Title of Her Majesty to such Composition for Tithes, or the Amount thereof, or the Liability or Exemption of the Property to or from the same, shall be *bona fide* in question; and in any Case, except as aforesaid, in which the Person so liable shall be of the Persuasion aforesaid, and any other Remedy or Proceeding than those expressly or by reference prescribed by the said last-mentioned Act has heretofore been or shall hereafter be commenced or prosecuted against him, it shall be lawful for him, or any one on his Behalf, to serve upon the said Attorney General a Declaration or Notice in Writing, stating that he is of the Persuasion aforesaid, and such other Remedy or Proceeding shall be thereupon forthwith discontinued, and the Costs previously incurred shall be taxed, and the said Attorney General shall proceed to recover such Composition by such Remedy as in the said last-recited Act is provided, and shall be entitled to recover therewith, and as Part thereof, the Costs of such Proceeding so discontinued; and such Notice shall be Evidence of the Liability of the Person by or on whose Behalf the same may have been given, and of his being of the Persuasion aforesaid: Provided always, that nothing herein contained shall affect the Validity of any Proceeding which shall have been instituted or commenced before the passing of this Act, unless and until such Declaration or Notice in Writing as aforesaid shall be served upon the said Attorney General: And provided further, that if upon any such Proceeding a sufficient Distress cannot be found to satisfy the said Composition for Tithes, and the Costs (if any), together with the reasonable Costs of Distress, then the other Remedies provided or allowed by the said recited Act of the First and Second Years of Her Majesty's Reign may be resorted to, in the same Manner as if the Persons liable to the Payment were not of the said Persuasion of People called Quakers: Provided also, that in no Case whatever shall any Execution or Decree or Order issue or be made in respect of any such Tithe Composition against the Person of any Defendant being of the Persuasion of the People called Quakers.

Arrears of Compositions for Tithes vested in Her Majesty under 1 & 2 Vict. c. 109. to be recovered from Quakers in like Manner as Rent-charges under that Act and 5 & 6 W. 4. c. 74.

Interpretation
Clause.

II. And be it enacted, That the Provisions made by the said recited Act of Her present Majesty for the Interpretation of certain Words and Expressions therein shall apply to and extend to the like Words and Expressions in this Act; and that the said recited Act and this Act shall be construed together as One Act.

Act may be
amended, &c.

III. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

CAP. XXXVIII.

An Act to afford further Facilities for the Conveyance and Endowment of Sites for Schools.

[21st June 1841.]

‘ WHEREAS it is expedient that greater Facilities should be given for the Erection of Schools and Buildings for the Purposes of Education:’ May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act an Act passed in the Session held in the Sixth and Seventh Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to facilitate the Conveyance of Sites for School-rooms*, shall be and the same is hereby repealed; provided that all Matters and Things done in pursuance of the said Act shall be and remain valid as though the said Act was not repealed; and all Matters and Things commenced in pursuance of the said Act shall be continued according to the Provisions of this Act, if the same shall be applicable, otherwise shall be continued conformably to the said recited Act, which shall be deemed to be still in force with regard to such Proceedings.

Repeal of
6&7W.4. c.70.;
but Things done
in pursuance
thereof declared
valid, and those
commenced to
be continued
according to
this Act.

Landlords em-
powered to
convey Land to
be used as Sites
for Schools, &c.

II. And be it enacted, That any Person, being seised in Fee Simple, Fee Tail, or for Life, of and in any Manor or Lands of Freehold, Copyhold, or Customary Tenure, and having the beneficial Interest therein, or in *Scotland* being the Proprietor in Fee Simple or under Entail, and in Possession for the Time being, may grant, convey, or enfranchise by way of Gift, Sale, or Exchange, in Fee Simple or for a Term of Years, any Quantity not exceeding One Acre of such Land, as a Site for a School for the Education of poor Persons, or for the Residence of the Schoolmaster or Schoolmistress, or otherwise for the Purposes of the Education of such poor Persons in religious and useful Knowledge; provided that no such Grant made by any Person seised only for Life of and in any such Manor or Lands shall be valid, unless the Person next entitled to the same in Remainder, in Fee Simple, or Fee Tail, (if legally competent,) shall be a Party to and join in such Grant: Provided also, that where any Portion of Waste or Commonable Land shall be gratuitously conveyed by any Lord or Lady of a Manor

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a Manor for any such Purposes as aforesaid the Rights and Interests of all Persons in the said Land shall be barred and divested by such Conveyance: Provided also, that upon the said Land so granted as aforesaid, or any Part thereof, ceasing to be used for the Purposes in this Act mentioned, the same shall thereupon immediately revert to and become a Portion of the said Estate held in Fee Simple or otherwise, or of any Manor or Land as aforesaid, as fully to all Intents and Purposes as if this Act had not been passed, any thing herein contained to the contrary notwithstanding.

III. ' And whereas it may be expedient and proper that the Chancellor and Council of Her Majesty's Duchy of *Lancaster*, on Her Majesty's Behalf, should be authorized to grant, convey, or enfranchise, to or in favour of the Trustee or Trustees of any existing or intended School, Lands and Hereditaments belonging to Her Majesty in right of Her said Duchy, for the Purposes of this Act;' be it therefore enacted, That it shall and may be lawful for the Chancellor and Council of Her Majesty's Duchy of *Lancaster* for the Time being, by any Deed or Writing under the Hand and Seal of the Chancellor of the said Duchy for the Time being, attested by the Clerk of the Council of the said Duchy for the Time being, for and in the Name of Her Majesty, Her Heirs and Successors, to grant, convey, or enfranchise, to or in favour of such Trustee or Trustees, any Lands and Hereditaments to be used by them for the Purposes of this Act, upon such Terms and Conditions as to the said Chancellor and Council shall seem meet; and where any Sum or Sums of Money shall be paid as or for the Purchase or Consideration for such Lands or Hereditaments so to be granted, conveyed, or enfranchised as aforesaid, the same shall be paid by such Trustee or Trustees into the Hands of the Receiver General for the Time being of the said Duchy, or his Deputy, and shall be by him paid, applied, and disposed of according to the Provisions and Regulations contained in an Act passed in the Forty-eighth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to improve the Land Revenue of the Crown in England, and also of His Majesty's Duchy of Lancaster*, or any other Act or Acts now in force for that Purpose: Provided always, that upon the said Land so granted as aforesaid, or any Part thereof, ceasing to be used for the Purposes in this Act mentioned, the same shall thereupon immediately revert to and become again a Portion of the Possessions of the said Duchy, as fully to all Intents and Purposes as if this Act or any such Grant as aforesaid had not been passed or made; any thing herein contained to the contrary notwithstanding.

IV. And be it enacted, That for the Purposes of this Act only, and for such Time only as the same shall be used for the Purposes of this Act, it shall be lawful for any Two of the principal Officers of the Duchy of *Cornwall*, under the Authority of a Warrant issued for that Purpose under the Hands of any Three or more of the special Commissioners for the Time being

Chancellor and Council of the Duchy of Lancaster empowered to grant Lands to the Trustees of any existing or intended School.

48 G. 3. c. 73.

If Lands cease to be used for the Purposes of the Act they shall revert.

Officers of the Duchy of Cornwall empowered, upon sufficient Authority, to grant Lands to the Trustees of any existing or intended School.

being for managing the Affairs of the Duchy of *Cornwall*, or under the Hands of any Three or more of the Persons who may hereafter for the Time being have the immediate Management of the said Duchy, if the said Duchy shall be then vested in the Crown, or if the said Duchy shall then be vested in a Duke of *Cornwall*, then under the Hand of the Chancellor for the Time being of the said Duchy, or under the Hands of any Three or more of the Persons for the Time being having the immediate Management of the said Duchy, by Deed under their Hands, to grant and convey to the Trustees or Trustee for the Time being of any existing School, or of any School intended to be established by virtue of this Act, any Lands, Tenements, or Hereditaments forming Part of the Possessions of the said Duchy of *Cornwall*, not exceeding in the whole One Acre in any One Parish, upon such Terms and Conditions as to the said Special Commissioners or Chancellor, or such other Persons as aforesaid, shall seem meet: Provided always, that upon the said Land so granted as aforesaid, or any Part thereof, ceasing to be used for the Purposes in this Act mentioned, the same shall thereupon immediately revert to and become again a Portion of the Possessions of the said Duchy, as fully to all Intents and Purposes as if this Act or any such Grant as aforesaid hath not been passed or made; any thing herein contained to the contrary notwithstanding.

If Lands cease to be used for the Purposes of the Act they shall revert.

Persons under Disability empowered to convey Lands for the Purposes of this Act.

V. And be it enacted, That where any Person shall be equitably entitled to any Manor or Land, but the legal Estate therein shall be in some Trustee or Trustees, it shall be sufficient for such Person to convey the same for the Purposes of this Act without the Trustee or Trustees being Party to the Conveyance thereof; and where any Married Woman shall be seised or possessed of or entitled to any Estate or Interest, manorial or otherwise, in Land proposed to be conveyed for the Purposes of this Act, she and her Husband may convey the same for such Purposes by Deed, without any Acknowledgment thereof; and where it is deemed expedient to purchase any Land for the Purposes aforesaid belonging to or vested in any Infant or Lunatic, such Land may be conveyed by the Guardian or Committee of such Infant or the Committee of such Lunatic respectively, who may receive the Purchase Money for the same, and give valid and sufficient Discharges to the Party paying such Purchase Money, who shall not be required to see to the Application thereof.

Corporations, Justices, Trustees, &c. empowered to convey Lands for the Purposes of this Act.

VI. And be it enacted, That it shall be lawful for any Corporation, Ecclesiastical or Lay, whether Sole or Aggregate, and for any Officers, Justices of the Peace, Trustees, or Commissioners holding Land for public, ecclesiastical, parochial, charitable, or other Purposes or Objects, subject to the Provisions next herein-after mentioned, to grant, convey, or enfranchise, for the Purposes of this Act, such Quantity of Land as aforesaid in any Manner vested in such Corporation, Officers, Justices, Trustees, or Commissioners: Provided always, that no Ecclesiastical Corporation Sole, being below the Dignity of a Bishop, shall

shall be authorized to make such Grant without the Consent in Writing of the Bishop of the Diocese to whose Jurisdiction the said Ecclesiastical Corporation is subject: Provided also, that no parochial Property shall be granted for such Purposes without the Consent of a Majority of the Rate-payers and Owners of Property in the Parish to which the same belongs, assembled at a Meeting to be convened according to the Mode pointed out in the Act passed in the Sixth Year of the Reign of His late Majesty, intituled *An Act to facilitate the Conveyance of Work-houses and other Property of Parishes and of Incorporations or Union of Parishes in England and Wales*, and without the Consent of the Poor Law Commissioners, to be testified by their Seal being affixed to the Deed of Conveyance, and of the Guardians of the Poor of the Union within which the said Parish may be comprised, or of the Guardians of the Poor of the said Parish where the Administration of the Relief of the Poor therein shall be subject to a Board of Guardians, testified by such Guardians being the Parties to convey the same: Provided also, that where any Officers, Trustees, or Commissioners, other than parochial Trustees, shall make any such Grant, it shall be sufficient if a Majority or Quorum authorized to act of such Officers, Trustees, or Commissioners, assembled at a Meeting duly convened, shall assent to such Grant, and shall execute the Deed of Conveyance, although they shall not constitute a Majority of the actual Body of such Officers, Trustees, or Commissioners: Provided also, that the Justices of the Peace may give their Consent to the making any Grant of Land or Premises belonging to any County, Riding, or Division by Vote at their General Quarter Sessions, and may direct the same to be made in the Manner directed to be pursued on the Sale of the Sites of Gaols by an Act passed in the Seventh Year of the Reign of His late Majesty George the Fourth, intituled *An Act to authorize the Disposal of unnecessary Prisons in England*.

5 & 6 W. 4. c. 69.

7 G. 4. c. 18.

VII. And be it enacted, That all Grants of Land or Buildings, or any Interest therein, for the Purposes of the Education of poor Persons, whether taking effect under the Authority of this Act or any other Authority of Law, may be made to any Corporation Sole or Aggregate, or to several Corporations Sole, or to any Trustees whatsoever, to be held by such Corporation or Corporations or Trustees for the Purposes aforesaid: Provided nevertheless, that any such Grant may be made to the Minister of any Parish being a Corporation, and the Churchwardens or Chapelwardens and Overseers of the Poor, or to the Minister and Kirk Session of the said Parish, and their Successors; and in such Case the Land or Buildings so granted shall be vested for ever thereafter in the Minister, Churchwardens or Chapelwardens, and Overseers of the Poor for the Time being, or the Minister and Kirk Session of such Parish, but the Management, Direction, and Inspection of the School shall be and remain according to the Provisions contained in the Deed of Conveyance thereof: Provided also, that
where

Grants of Land may be made to Corporations or Trustees, to be held by them for School Purposes.

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where any Ecclesiastical Corporation Sole below the Dignity of a Bishop shall grant any Land to Trustees, other than the Minister, Churchwardens or Chapelwardens, and Overseers, for the Purposes aforesaid, such Trustees shall be nominated in Writing by the Bishop of the Diocese to whose Jurisdiction such Corporation shall be subject; provided that where any School shall be intended for any Ecclesiastical District not being a Parish as herein-after defined, it shall be sufficient if the Grant be made to the Minister and Church or Chapel Warden or Wardens of the Church or Chapel of such District, to hold to them and their Successors in Office; and such Grant shall enure to vest the Land, subject to the Conditions contained in the Deed of Conveyance, in such Minister and the Church or Chapel Warden or Wardens for the Time being.

Estates now vested in Trustees for the Purposes of Education may be conveyed to the Minister and Churchwardens.

VIII. 'And whereas Schools for the Education of the Poor in the Principles of the Established Church, or in religious and useful Knowledge, and Residences for the Masters or Mistresses of such Schools, have been heretofore erected, and are vested in Trustees not having a Corporate Character;' be it therefore enacted, That it shall be lawful for the Trustees for the Time being of such last-mentioned Schools and Residences, not being subject to the Provisions of the Act passed in the last Session of Parliament, intituled *An Act for improving the Conditions and extending the Benefits of Grammar Schools*, to convey or assign the same, and all their Estate and Interest therein, to such Ministers and Churchwardens and Overseers of the Poor of the Parish within which the same are respectively situate, and their Successors as aforesaid, or being situate within an Ecclesiastical District not being a Parish as herein-after defined, then to the Minister and Church or Chapel Wardens of the Church or Chapel of such District, and their Successors, in whom the same shall thereafter remain vested accordingly, but subject to and under the existing Trusts and Provisions respectively affecting the same.

Any Number of Sites may be granted for separate Schools.

IX. And be it enacted, That any Person or Persons or Corporation may grant any Number of Sites for distinct and separate Schools, and Residences for the Master or Mistress thereof, although the aggregate Quantity of Land thereby granted by such Person or Persons or Corporation shall exceed the Extent of One Acre; provided that the Site of each School and Residence do not exceed that Extent: Provided also, that not more than One such Site shall be in the same Parish.

Form of Grants, &c.

X. And be it enacted, That all Grants, Conveyances, and Assurances of any Site for a School, or the Residence of a Schoolmaster or Schoolmistress, under the Provisions of this Act, in respect of any Land, Messuages, or Buildings, may be made according to the Form following, or as near thereto as the Circumstances of the Case will admit; (that is to say,)

' I [or We, or the Corporate Title of a Corporation], under the Authority of an Act passed in the Year of the Reign of Her Majesty Queen Victoria, intituled *An Act for affording further Facilities for the Conveyance and Endow-*

that where the Land shall have been given by any Ecclesiastical Corporation Sole the Consent of the Bishop of the Diocese shall be required to be given to such Sale or Exchange before the same shall take place: Provided also, that where a Portion of any Parliamentary Grant shall have been or shall be applied towards the Erection of any School, no Sale or Exchange thereof shall take place without the Consent of the Secretary of State for the Home Department for the Time being.

XV. 'And whereas in many Cases Conveyances of Land have been made, purporting to be made in pursuance of the Powers of the said first-recited Act, to the Minister or Incumbent and the Churchwardens or Chapelwardens of certain Parishes or Places, as and for Sites of Schools or Houses of Residence for the Schoolmasters; and Doubts have been entertained whether such Conveyances are valid and effectual for the Purposes of conveying the Fee Simple, in consequence of the said Statute not containing any Words of Limitation to the Successors of such Persons;' be it therefore enacted, That all Conveyances whereby any Land shall have been conveyed to the Minister or Incumbent and the Churchwardens or Chapelwardens of any Parish or Place for the Time being, whether made to them as such Minister or Incumbent and Churchwardens or Chapelwardens, or to them and their Successors, shall be deemed and taken to have been and shall be valid and effectual for the Purpose of vesting the Fee Simple, or such other Estate as hath been proposed to be conveyed, in the Persons who from Time to Time shall be the Minister or Incumbent and the Churchwardens or Chapelwardens of such Place, such Minister being the Rector, Vicar, or Perpetual Curate, whether endowed or not, of the said Parish or Place.

All Conveyances of Land under 6 & 7 W. 4. c. 70. to be deemed effectual for vesting the Fee Simple.

XVI. 'And whereas certain Lands or Buildings have been conveyed for valuable Consideration, upon Trust for the Purposes of the Education of the Poor, and through Inadvertence or other Causes the Deeds or Assurances conveying the same have not been enrolled in Chancery as required by the Act passed in the Ninth Year of the Reign of His late Majesty King George the Second, intituled *An Act to restrain the Disposition of Lands whereby the same become unalienable*, and by the said herein-before first-recited Act;' be it therefore enacted, That notwithstanding the said Provisions all such Conveyances shall be and remain valid for the Space of Twelve Calendar Months next ensuing the passing of this Act, and if enrolled in Chancery before the Expiration of that Time shall be and remain valid hereafter as if duly enrolled within the Time required by the Provisions of the said Acts: Provided nevertheless, that no Effect shall be given hereby to any Deed or other Assurance heretofore made, so far as the same has been already avoided by any Suit at Law or in Equity, or by any other legal or equitable Means whatsoever, or to affect or prejudice any Suit at Law or in Equity actually commenced for avoiding any such Deed or other Assurance, or for defeating

Certain Conveyances of Lands, &c. for Purposes of Education not enrolled as required by the 9 G. 2. c. 36. rendered valid if enrolled within 12 Months from the passing of this Act.

Proviso for Deeds avoided in any Suit.

the charitable Uses in Trust or for the Benefit of which such Deed or other Assurance may have been made.

No School-master to acquire a Life Interest by virtue of his Appointment.

XVII. And be it enacted, That no Schoolmaster or Schoolmistress to be appointed to any School erected upon Land conveyed under the Powers of this Act shall be deemed to have acquired an Interest for Life by virtue of such Appointment, but shall, in default of any specific Engagement, hold his Office at the Discretion of the Trustees of the said School.

Justices of the Peace or Sheriffs to give Possession of School-rooms, &c. in case of the Refusal of the Master.

XVIII. And for the more speedy and effectual Recovery of the Possession of any Premises belonging to any School which the Master or Mistress who shall have been dismissed, or any Person who shall have ceased to be Master or Mistress, shall hold over after his or her Dismissal or ceasing to be Master or Mistress, be it enacted, That when any Master or Mistress, not being the Master or Mistress of any Grammar School within the Provision of the Act of the last Session of Parliament herein-after mentioned, holding any School-room, School-house, or any other House, Land, or Tenement, by virtue of his or her Office, shall have been dismissed or removed, or shall have ceased to be Master or Mistress, and shall neglect or refuse to quit and deliver up Possession of the Premises within the Space of Three Calendar Months after such Dismissal or ceasing to be Master or Mistress, not having any lawful Authority for retaining such Possession, it shall be lawful for the Justices of the Peace acting for the District or Division in which such Premises are situated, in Petty Sessions assembled, or any Two of them, or for the Sheriff of the County in *Scotland*, and they are hereby required, on the Complaint of the Trustees or Managers of the said School, or some one of them, on Proof of such Master or Mistress having been dismissed or removed, or having ceased to be such Master or Mistress, to issue a Warrant under their Hands and Seals, or under the Hand of such Sheriff in *Scotland*, to some One or more of the Constables and Peace Officers of the said District or Division, or of the Sheriff's Officers in *Scotland*, commanding him or them, within a Period to be therein named, not less than Ten nor more than Twenty-one clear Days from the Date of such Warrant, to enter into the Premises, and give Possession of the same to the said Trustees or Managers or their Agents, such Entry and Possession being given in *England* in such Manner as Justices of the Peace are empowered to give Possession of any Premises to any Landlord or his Agent under an Act passed in the Second Year of the Reign of Her present Majesty, intituled *An Act to facilitate the Recovery of Possession of Tenements after due Determination of the Tenancy*.

1 & 2 Vict. c. 74.

Powers granted to the Commissioners under 3 & 4 Vict. c. 60. for applying Land to Ecclesiastical Purposes extended

XIX. And whereas by an Act passed in the last Session of Parliament, intituled *An Act to further amend the Church Building Acts*, Provision was made to enable Her Majesty's Commissioners for building new Churches to apply Land in any Parish granted to them for any of the Purposes of the Church Building Acts to any other Ecclesiastical Purposes, or for the Purpose

‘ Purpose of any parochial or charitable School, or any other charitable or public Purpose relating to any such Parish or Place: And whereas through an accidental Omission such Provision does not extend to Cases of Land granted by way of Gift;’ be it therefore enacted, That such Power so given to the said Commissioners, so far as it is applicable to the Purposes of any School, shall extend to every Case of Land granted, given, or conveyed to them under the Authority of the several Acts in the said Act recited.

to Land granted by way of Gift.

XX. And be it enacted, That the Term “ Parish ” in this Act shall be taken to signify every Place separately maintaining its own Poor, and having its own Overseers of the Poor and Church or Chapel Wardens.

Definition of the Term “ Parish.”

XXI. And be it enacted, That this Act shall not extend to Ireland.

Act not to extend to Ireland.

XXII. And be it enacted, That nothing herein contained shall repeal or affect an Act passed in the Second Year of the Reign of Her present Majesty, intituled *An Act to facilitate the Foundation and Endowment of additional Schools in Scotland*, or another Act passed in the last Session of Parliament, intituled *An Act to enable Proprietors of Entailed Estates in Scotland to feu or lease on long Leases Portions of the same for the building of Churches and Schools, and for Dwelling Houses and Gardens for the Ministers and Masters thereof.*

Act not to affect 1 & 2 Vict. c. 87. or 3 & 4 Vict. c. 48.

XXIII. And be it enacted, That this Act may be altered or amended by any Act to be passed in this Session of Parliament.

Act may be amended, &c.

CAP. XXXIX.

An Act to explain and amend Two several Acts relating to the Ecclesiastical Commissioners for England. [21st June 1841.]

amended by 5th & 6th 108 6th & 7th 37, 60, 77

‘ WHEREAS an Act was passed in the Seventh Year of the Reign of His late Majesty, intituled *An Act for carrying into effect the Reports of the Commissioners appointed to consider the State of the Established Church in England and Wales with reference to Ecclesiastical Duties and Revenues, so far as they relate to Episcopal Dioceses, Revenues, and Patronage*: And whereas another Act was passed in the last Session of Parliament, intituled *An Act to carry into effect, with certain Modifications, the Fourth Report of the Commissioners of Ecclesiastical Duties and Revenues*: And whereas it is expedient to explain and amend certain Provisions in the said Acts contained;’ be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That, notwithstanding any thing in either of the said recited Acts contained, it shall be lawful for the Ecclesiastical Commissioners for England, at any Meeting duly convened according to the Provisions thereof, to continue and adjourn such Meeting from

6 & 7 W. 4. c. 77.

3 & 4 Vict. c. 113.

Commissioners may adjourn Meetings from Day to Day.

6 & 7 W. 4. c. 77.
§ 4.
3 & 4 Vict. c. 113.
§ 82.

Proviso as to
confirming
Proceedings.

Cathedrals in
which Honorary
Canonries
are founded.
3 & 4 Vict. c. 113.
§ 23.

Honorary Pre-
ferment may be
held with Two
Benefices.
3 & 4 Vict. c. 113.
§§ 29, 51., and
shall not be
subject to Lapse.

First Fruits
and Tenths of
vacated Pre-
bends, &c.
3 & 4 Vict. c. 113.
§§ 48, 49, 50,
51. 54.

Day to Day for any such Number of Days as they shall deem necessary; and the Proceedings of the said Commissioners, and all Acts, Matters, and Things done and executed by them, on each and every of such Days of Adjournment, shall be as valid and effectual to all Intents and Purposes as if the same had been done and executed on the First Day of such Meeting: Provided always, that no Proceeding which requires to be ratified and confirmed by the Common Seal of the Corporation shall be finally concluded by the affixing of the said Seal on any such Day of Adjournment, unless Notice of the Intention to propose such Proceeding for final Consideration and Decision shall have been sent together with every Notice issued for such First Day of Meeting.

II. And for the Removal of all Doubts respecting the Foundation of Honorary Canonries, be it declared and enacted, That Honorary Canonries are and shall be founded forthwith in the Cathedral Churches of *Canterbury, Bristol, Carlisle, Chester, Durham, Ely, Gloucester, Norwich, Oxford, Peterborough, Ripon, Rochester, Winchester, and Worcester*, and in the Collegiate Church of *Manchester* so soon as the same shall become a Cathedral Church, and in no other Cathedral Church; and that all the Provisions of the secondly recited Act which purport to relate to Honorary Canonries shall apply to the Honorary Canonries so founded.

III. And be it enacted, That the holding of an Honorary Canonry, or of any Prebend, Dignity, or Office, not now in any Manner endowed, or whereof the Lands, Tithes, or other Hereditaments, Endowments, or Emoluments shall have been vested in the Ecclesiastical Commissioners for *England*, or which may hereafter be endowed to an Amount not exceeding Twenty Pounds by the Year, shall not be construed to prevent the holding therewith of more Benefices than One; and that no such Prebend, Dignity, or Office, which was vacant on the Thirteenth Day of *August* last, or became so at any Time since, shall be deemed to have lapsed by reason of such Vacancy, but hath remained and shall remain in the Patronage of the Archbishop or Bishop of the Diocese for the Time being until a Successor shall be collated thereto; and that every such Prebend, Dignity, or Office, which shall hereafter become vacant, and every such Honorary Canonry, shall in like Manner be and remain in the Patronage of the Archbishop or Bishop of the Diocese for the Time being until a Successor shall be collated thereto; any Royal Prerogative, Statute, Canon, or Usage to the contrary notwithstanding.

IV. 'And whereas it is not just that First Fruits and Tenths should be paid by the Holders of Dignities, Prebends, and Offices of which the Estates are vested in the said Ecclesiastical Commissioners, and it is inexpedient to diminish the Amount of the Fund accruing to the Governors of Queen *Anne's* Bounty in respect of such Prebends, Dignities, and Offices, and of Sinecure Rectories;' be it enacted, That the Holders of all Dignities, Prebends, and Offices, whereof

the Lands, Tithes, Tenements, and other Hereditaments and Endowments shall have become so vested, shall be absolutely relieved and discharged from the Payment of all First Fruits and Tenths in respect of such their Dignities, Prebends, and Offices respectively; and that the said Commissioners shall yearly and every Year, on or before the Thirty-first Day of *March*, out of the Monies at their Disposal under the Provisions of the secondly recited Act, pay or cause to be paid to the Treasurer of the said Governors for the Time being a Sum equal to One Twentieth Part of the aggregate Amount charged for First Fruits on all Dignities, Prebends, Offices, and Sinecure Rectories, of which the Lands, Tithes, Tenements, or other Hereditaments or Endowments had on the last Day of the preceding *December* become so vested in the said Commissioners, as an average Compensation for, and in full Satisfaction of all Claim of the said Governors to, the First Fruits heretofore payable in respect thereof; and the said Commissioners shall also, subject to the Proviso herein-after contained, on or before the same Day of *March*, and out of the same Monies, pay or cause to be paid yearly and every Year to the said Treasurer for the Time being the aggregate Amount of the Tenths due to the said Governors for or in respect of all the same Dignities, Prebends, Offices, and Sinecure Rectories: Provided always, that nothing herein contained shall relieve any Person from the Payment of any Tenths which he is now bound to pay by any Covenant contained in any Lease held by him: Provided also, that in case of any Bishop being deprived by the Provisions of this Act of any Tenths heretofore receivable by him, the Amount thereof shall from Time to Time and out of the same Monies be paid or allowed to such Bishop by the said Commissioners.

V. And be it declared and enacted, That the holding of a Canonry Residentiary, Prebend, or Office is not nor shall be necessary to the holding of the Deanery of any Cathedral Church in *England*, nor to the entitling of any Dean to his full Share of the divisible Corporate Revenues of such Church, although such Share may not heretofore have been received by any preceding Dean otherwise than as a Canon Residentiary; and that the holding of a Prebend is not nor shall be necessary to the holding of either of the Residentiary Canonries in the Cathedral Church of *Saint Paul* in *London* which are in the direct Patronage of Her Majesty.

VI. And be it declared and enacted, That the Provisions of the secondly recited Act and of this Act, by virtue of which any Lands, Tithes, or other Hereditaments, Endowments, or Emoluments belonging to any Dignity, Prebend, or Office, in any Cathedral or Collegiate Church, have accrued to and become vested in, or may accrue to or become vested in, the said Ecclesiastical Commissioners, do and shall be construed to extend to and include all Lands and Tenements, (except any House within the Precincts of such Church belonging to any Canonry or usually held and enjoyed therewith, or any small

Deans need not hold Prebends.
3&4 Vict. c.113.
§ 24.

Commissioners to have same Claims as duly qualified Prebendaries.
3&4 Vict. c.113.
§§ 49, 50, 51.

Portion of Land situate within the Limits and Precincts of any Cathedral or Collegiate Church, or in the Vicinity of any Residence House, which, under the Provisions of the secondly recited Act, may be reserved to such Church, or permanently annexed to any Residuary House by the Authority in the same Act provided,) Tithes or other Hereditaments, Endowments, and Emoluments, of what Nature or Kind soever, which, if the said secondly recited Act had not been passed, any Successor to such Dignity, Prebend, or Office would have been entitled to possess or receive, if duly qualified in all respects according to the Statutes and Usages of his Church to possess or receive the same, and if qualified and ready at all Times personally and duly to perform all the Duties and Services of such his Prebend, Dignity, or Office.

Provisions of 3&4 Vict. c. 113. to apply to other non-residuary Prebends, &c. §§ 22, 51, 52, 58.

VII. And be it enacted, That all the Provisions in the said secondly recited Act and in this Act contained relating to Lands, Tithes, or other Hereditaments or Endowments belonging to Prebends not residuary, shall apply also to all Land, Tithes, and other Hereditaments and Endowments belonging to the respective Offices of Sacrist, Custos, and Hospitaller in any Cathedral or Collegiate Church, or enjoyed by the Holders thereof in right of such Offices, as fully and effectually as if such Offices had been expressly named as subject to such Provisions.

Application of certain Monies to Parishes of St. Margaret's and St. John's Westminster. 3&4 Vict. c. 113. § 31.

VIII. And be it enacted, That so much of the secondly recited Act as relates to the Application of certain Monies therein specified towards making a better Provision for the Cure of Souls in the respective Parishes of *Saint Margaret* and *Saint John, Westminster*, shall be repealed; and that it shall be lawful to apply such Monies towards making such better Provision in such Manner as by the Authority in the same Act provided shall be deemed best for the Spiritual Interests of the said Parishes respectively; provided that such Monies shall be exclusively applied within the respective Parishes with which the Canonries in the Collegiate Church of *Saint Peter Westminster* are connected, and from the Proceeds of which they respectively accrue; and that with respect to the Parish of *Saint John*, it shall also be lawful, by the like Authority, in the same Manner, to apply so much of the Monies paid over to the Ecclesiastical Commissioners for *England*, or to their Account, by the Treasurer of the Governors of the Bounty of Queen *Anne*, under the Provisions of the same Act, as came to his Hands by reason of the temporary Suspension of the Canonry in the said Church, to which is now annexed the Rectory of the said Parish of *Saint John*, together with any Interest which may have accrued thereon.

Archdeaonries may be endowed with Benefices. 3&4 Vict. c. 113. § 34, 35.

IX. And be it enacted, That, notwithstanding any thing in the said secondly recited Act contained, it shall be lawful by the Authority in the same Act provided, with the Consent of the Bishop of any Diocese, and of the Patron of any Benefice within the Limits of any Archdeaconry in such Diocese, to endow such Archdeaconry, by the Annexation thereto of such Benefice, such Annexation to take effect immediately if the

the Benefice be vacant at the Time of such Endowment, or otherwise upon the then next Vacancy thereof; and every Benefice so annexed, and every future Holder thereof, shall be subject to all the Provisions of an Act passed in the Second Year of Her present Majesty's Reign, intituled *An Act to abridge the holding of Benefices in Plurality, and to make better Provision for the Residence of the Clergy*: Provided always, that no such Annexation shall take effect as to any Archdeacon in possession at the passing of this Act, without his Consent; and in default of such Consent at the Time when any Benefice would otherwise so as aforesaid become annexed, or until such Consent be given, during the Incumbency of such Archdeacon, the Income and Emoluments of such Benefice shall, after due Provision thereout being made for the Cure of Souls in the Parish or District of such Benefice, be applied, by the like Authority, either in improving the existing House and Buildings, or in providing a new House of Residence for such Benefice, or in improving or augmenting the Glebe belonging thereto, or if no such Improvement or Augmentation be deemed necessary, then for the Benefit of any poor Benefice or Benefices within the same Archdeaconry.

1&2 Vict. c. 106.

X. ' And whereas it is by the thirdly recited Act provided, ' that nothing therein-before contained shall be construed to ' prevent any Archdeacon from holding, together with his ' Archdeaconry, Two Benefices, under the Limitations in the ' said Act mentioned with respect to Distance, joint yearly ' Value, and Population, and One of which Benefices shall ' be situate within the Diocese of which his Archdeaconry ' forms a Part, or One Cathedral Preferment in any Cathedral ' or Collegiate Church of the Diocese of which his Archdeaconry forms a Part, and One Benefice situate within such ' Diocese: And whereas Doubts are entertained whether the ' said Provision includes Benefices of peculiar or exempt ' Jurisdiction, and it is expedient that such Doubts should be ' removed;' be it therefore enacted, That the said Provision shall extend and apply to Benefices locally situate within the Diocese of which any such Archdeaconry shall form a Part, although the same may not be subject to the Jurisdiction of the Bishop of such Diocese.

The Provision in 1 & 2 Vict. c. 106. as to Archdeacons holding Two Benefices, to extend to Peculiars.

XI. And be it enacted, That any Canonry or Portion of the Income of a Canonry or Benefice annexed to any Archdeaconry under the Provisions of the secondly recited Act or this Act may at any Time, upon the Representation of the Bishop of the Diocese, and by the Authority in the said secondly recited Act provided, be disannexed from such Archdeaconry on the Vacancy thereof, and annexed to any other Archdeaconry in the same Diocese.

Endowment may be disannexed from one Archdeaconry, and annexed to another.

XII. And be it enacted, That so much of the said secondly recited Act as relates to the Archdeacon of *Nottingham* and to the Parish of *Southwell* shall be repealed; and that the Bishop of *Lincoln*, and not the Archbishop of *York*, shall from hence-

Further Provisions respecting Southwell. 3&4 Vict. c. 115. §§ 18. 36. 41.

forth be the Visitor of the Collegiate Church of *Southwell*, and shall enjoy all Powers now vested in the said Archbishop as such Visitor; and that, notwithstanding any thing in the said secondly recited Act contained, no Appointment shall be made to any Canonry or Prebend in the said Collegiate Church, but that so soon as every Person who was a Member of the Chapter thereof at the passing of the same Act shall have ceased to be such Member, all Lands and Tenements, Tithes, and other Hereditaments belonging to the said Church or the Chapter thereof, except any Right of Patronage, shall, without any Conveyance or Assurance in the Law other than the Provisions of this Act, accrue to and be vested in the Ecclesiastical Commissioners for *England*, and their Successors, for the Purposes of the secondly recited Act and of this Act; and that out of the Lands, Tenements, Tithes, and other Hereditaments and Endowments which shall so accrue to the said Commissioners, or the Proceeds thereof, competent Provision shall be made, by the Authority in the said secondly recited Act provided, and in such Manner as shall be by such Authority deemed expedient, for the Services of the said Church of *Southwell*, and for the Maintenance and Reparation of the Fabric of the said Church, and for any Minor Canon or Officer thereof; and that the Patronage of all Benefices with Cure of Souls possessed by the said Chapter shall be transferred to and vested partly in the Bishop of *Ripon* and partly in the Bishop of *Manchester*, subject to the same Provisions as are in the said secondly recited Act contained with respect to Benefices in the Patronage of the Prebendaries of the said Collegiate Church; and that so soon as conveniently may be, and by the like Authority, and out of the same Lands, Tenements, Tithes, or other Hereditaments or Endowments, or the Proceeds thereof, or out of any other Lands, Tithes, or other Hereditaments or Endowments now or in the meantime vested in the said Commissioners, or any Emoluments already accrued or hereafter accruing to them in respect of the Canonries or Prebends of the said Church, Provision shall be made for the Spiritual Care of the said Parish of *Southwell*, and for the competent Endowment of Ministers in the several Parishes within the Deanery of *Southwell*, wherein any of such Lands, Tenements, Tithes, and Hereditaments are respectively situate or arise; and the Vicarage of *Southwell* shall be endowed with such Portion of the Tithes of the Parish of *Southwell*, or with such other Provision, as by the like Authority may be determined on, and may be constituted a Rectory with Cure of Souls; and that on the then next Avoidance thereof the Archdeacon of *Nottingham* for the Time being shall become *ipso facto* Rector of the said Rectory, and the said Rectory shall thenceforth be permanently annexed to the Archdeaconry of *Nottingham*: Provided always, that the said Rectory of *Southwell* and the Incumbent thereof shall continue subject to all the Provisions of the thirdly recited Act passed in the Second Year of Her present Majesty's Reign.

Durham University Trusts.
3 & 4 Vict. c. 113.
§ 37.

XIII. ' And whereas Inconvenience arises from the Mode
' in which certain Property is now held partly by the Bishop
' and partly by the Dean and Chapter of *Durham* in Trust
' for the University of *Durham*;' be it enacted, That it shall
be lawful, by the Authority in the said secondly recited Act
provided, with the Consent of the said University, and also of
the said Bishop or of the said Dean and Chapter, as the Case
may be, to make any such Arrangements as may be deemed fit
by the like Authority for varying, transferring, or annulling any
of the Trusts upon which any Monies or Securities for Money,
or any Lands, Tenements, Tithes, or other Hereditaments, are
now held for the Benefit of the said University, and for trans-
ferring and vesting such Monies, Securities for Money, Lands,
Tenements, Tithes, or other Hereditaments, or any Part thereof,
in such other Manner and in such other Persons or Body Cor-
porate as may be deemed by the like Authority most beneficial
to the said University; and that the said University of *Dur-*
ham may, by the Name of "The Warden, Masters, and
Scholars of the University of *Durham*," take and purchase
and hold Lands, Tenements, Tithes, and other Hereditaments
to them and their Successors, the Statutes of Mortmain or
any other Act or Acts to the contrary notwithstanding; and
that, when the Lands, Tenements, Tithes, or other Heredita-
ments, Monies or Securities for Money, or any Part thereof,
now held by the said Bishop or by the said Dean and Chapter
in Trust for the said University, shall be vested, by the Au-
thority aforesaid, in the said Warden, Masters, and Scholars,
they shall have and enjoy all the Powers of Sale, of Purchase,
of holding in Mortmain, of leasing, of Management, of ap-
plying the Principal Monies, and the Rents, Dividends, and
Interest thereof, or of such Part thereof as shall be vested in
them, in as full and ample Manner as the said Dean and
Chapter now have and enjoy the same Powers by virtue of
an Act passed in the Third Year of the Reign of His late
Majesty, intituled *An Act to enable the Dean and Chapter of* 2 & 3 W. 4. c. 19.
Durham to appropriate Part of the Property of their Church (Private.)
to the Establishment of a University in connexion therewith for
the Advancement of Learning; and that it shall be lawful for
all Bodies Corporate, Aggregate, or Sole, and all other incapa-
citated Persons named in the said Act, to sell and convey to
the said Warden, Master, and Scholars, and their Successors,
all such Lands, Tenements, and Hereditaments as by the
said Act they are enabled to sell and convey to the said Dean
and Chapter, and in such Manner and by such Conveyances
and Assurances as in the said Act are mentioned; and that
it shall be lawful for the said Warden, Masters, and Scholars
to apply the Building Fund to the Payment of Expences
already incurred by the said University in erecting and
completing, altering, repairing, or improving any Building
for the Use of the said University, or for the Use of any
Person or Persons for whom the said University was or is
bound to provide any Office or Building under an Order of Her
Majesty

Majesty in Council bearing Date the Nineteenth Day of July One thousand eight hundred and thirty-seven, relating to the Castle of *Durham*, and to the Erection and Completion, Alteration, Reparation, or Improvement of any Building erected or to be erected, not only on Land now vested in the said Dean and Chapter, but also on Land now vested in the said Bishop in Trust for the said University, or on Land to be hereafter acquired by the said Warden, Masters, and Scholars for any of the foregoing Uses; and that it shall be lawful, by the like Authority, with the Consent of the said University, and also of the said Bishop and of the said Dean and Chapter, to transfer to the said Warden, Masters, and Scholars the Whole or any Part of the Powers relating to the Government of the said University, and the Order and Discipline to be observed therein which are now vested by the last-mentioned Act in the said Dean and Chapter.

Saint David's,
Llandaff, and
Brecon Revenues.
Repeal of
3&4 Vict. c. 113.
§§ 38, 39, 40.

XIV. And be it enacted, That so much of the said secondly recited Act as relates to the Division and Application of the existing Corporate Revenues of the Chapters of the Cathedral Churches of *Saint David* and *Llandaff* respectively, and to the Application of the Endowments belonging to the Prebends in the Collegiate Church of *Brecon*, shall be and the same is hereby repealed.

Amendments
relating to
Minor Canons.

XV. And be it declared and enacted, That, notwithstanding any thing in the secondly recited Act contained, any Minor Canon in any Cathedral or Collegiate Church may take and hold, together with his Minor Canonry, any Benefice which is within the Distance prescribed by the said Act; and that in every Case in which any Dean before the passing of the same Act enjoyed a Right, as such Dean, to appoint any Minor Canon, nothing therein contained shall be construed to deprive him or his Successors thereof; and that, in the Construction of the same Act and of this Act, the Term "Minor Canon" shall not be construed to extend to or include any other than a Spiritual Person.

3&4 Vict. c. 113.

§§ 44, 45, 46.
§ 93.

Majority of
Members to
constitute a
Chapter.
3&4 Vict. c. 113.
§ 47.

XVI. And be it enacted, That in every Cathedral Church in which any Canonry or Canonries is or are or shall be suspended a Majority of the existing Members of Chapter, including or not including the Dean, according as his Presence may or may not be by Law required, shall at all Times be a sufficient Number of Canons for constituting a Chapter.

Sinecure Rectories in Private Patronage.
3&4 Vict. c. 113.
§ 48.

XVII. And be it enacted, That so much of the secondly recited Act as relates to the Purchase, by the Ecclesiastical Commissioners for *England*, of Ecclesiastical Rectories without Cure of Souls, shall be construed to extend and apply to any Ecclesiastical Rectory which shall by the Archbishop of the Province and the Bishop of the Diocese be certified to be, and shall by the said Commissioners be deemed to be, an Ecclesiastical Rectory without Cure of Souls, although there shall be no Vicarage endowed or Perpetual Curacy belonging thereto or connected therewith; provided that when any such Ecclesiastical Rectory purchased by the said Commissioners shall have

have become suppressed under the Provisions of the same Act, the whole, if it be deemed necessary, or such Part as shall be deemed necessary by the said Commissioners, of the Lands, Tithes, or other Endowments belonging to such Rectory, and of the Proceeds thereof, shall, by the Authority in the same Act provided, be set apart and applied towards the Spiritual Care of the Population of the Parish or District in which such Lands, Tithes, or other Endowments are situate or accrue, in such Manner as by the like Authority shall be deemed expedient.

XVIII. And be it enacted, That the Provisions of the secondly recited Act relating to the Disposal of Residence Houses, and Houses attached to any Dignity, Prebend, or Office in the Precincts of the respective Cathedral and Collegiate Churches, and also so much of an Act passed in the Second Year of the Reign of His late Majesty as annexes to the Archdeaconry of *Durham* the House of Residence therein mentioned, shall be repealed; and that the Dean and Chapter of any Cathedral or Collegiate Church, with the Consent of their Visitor, may from Time to Time sanction and confirm the Exchange of Houses of Residence, or of Houses attached to any Dignities, Offices, or Prebends in the Precincts of such Church, among the Canons of such Church, or may make any such Arrangement to take effect at any future Time, or may assign any One of such Houses being vacant to any Canon willing to accept the same in lieu of the House theretofore occupied by him, and thereupon any House no longer required by any Canon may by the said Dean and Chapter be disposed of, in such Way as they shall deem fit, with the Consent of their Visitor, and of the Ecclesiastical Commissioners for *England*, signified under their Common Seal; provided that all Acts, Matters, and Things relating to any such House already done under the last-mentioned Provisions of the said secondly recited Act shall be valid and effectual to all Intents and Purposes.

Disposal of
Residence
Houses.
3&4 Vict. c. 115.
§ 58. 2 & 3 W. 4.
c. 10. (Pr.)

XIX. And be it declared and enacted, That the Provisions of the secondly recited Act which purport to relate to the Endowments belonging to the suspended Prebends in the Cathedral Church of *Lichfield* were intended to apply and do apply to all the Lands and Tenements, Tithes, and other Hereditaments and Endowments, which are or are to be vested in the said Ecclesiastical Commissioners, by or under the Provisions of the said Act, by reason of the Vacancy of any Canon Residentiary, or of any Prebend, Dignity, or Office not residentiary, in the said Church.

Correction of
Error respecting
Endowments belong-
ing to Lichfield
Prebends.
3&4 Vict. c. 115.
§ 63.

XX. And be it declared and enacted, That, notwithstanding any thing in the secondly recited Act contained relating to the Payment of fixed annual Sums by certain Deans and Canons, and the Payment of other annual Sums to certain Deans and Chapters therein respectively named or referred to, or relating to the Transfer of Parts of the Lands, Tithes, or other Hereditaments therein specified to the Chapters of *York*, *Chichester*, *Exeter*, *Hereford*, *Lichfield*, *Salisbury*, and *Wells* respectively, for the Purposes therein respectively specified, it shall be lawful, by the

Enlarged Dis-
cretion as to
Mode of fixing
Incomes.
3&4 Vict. c. 115.
§§ 52. 66.

the Authority in the same Act provided, to carry such Purposes or any of them into effect by any Mode of Payment, Contribution, Augmentation, or Endowment which may be deemed fit, as well as by the Modes in the said Act specified; and that the Scale of Payments and Receipts may from Time to Time in any Case be revised, and if need be, varied by the like Authority, so as to preserve, as nearly as may be, the intended average annual Incomes respectively, but not so as to affect any Dean or Canon in Possession at the Time of making any such Variation.

Powers of Exchange, &c. extended to all Corporations Sole.
3&4 Vict. c. 113.
§ 68.

XXI. And be it declared and enacted, That the Provisions of the secondly recited Act relating to the Sale, Transfer, or Exchange of any Lands, Tithes, or other Hereditaments, the Purchase of other Lands, Tithes, or other Hereditaments in lieu thereof, or the Substitution of any Lands, Tithes, or other Hereditaments for any Money Payment, do and shall extend to authorize the Substitution of any Money Payment for any Lands, Tithes, or other Hereditaments, and do and shall include and apply to all Lands, Tithes, or other Hereditaments in the Possession or Enjoyment of any Dean, Canon, Prebendary, or other Dignitary or Officer of any Cathedral or Collegiate Church, or in the Possession of the Ecclesiastical Commissioners for *England*; and the Consent in Writing under the Hand only of any such Dean, Canon, Prebendary, or other Dignitary or Officer shall be deemed to be a Consent within the Meaning of the said Act.

Provisions of 3&4 Vict. c. 113. § 73. respecting Exchange of Advowsons, to authorize Exchange by Ecclesiastical Corporations.

XXII. And be it declared and enacted, That it is and shall be competent to the Authority in the first-recited Act provided to make Arrangements, under and according to the Provisions of the said Act, for improving the Value or making a better Provision for the Spiritual Duties of ill-endowed Parishes or Districts, by means of the Exchange of Advowsons, or other Alterations in the Exercise of Patronage, notwithstanding that such Advowsons, or any or either of them, or such Patronage, shall be vested in or belong to any Ecclesiastical Corporation Aggregate or Sole.

Exchanges of Advowsons may be made for the Purpose of Unions.

XXIII. And be it enacted, That whenever it shall be made to appear to the Ecclesiastical Commissioners for *England* that it would be expedient to make an Exchange of an Advowson, or of any Right of Patronage, for any other Advowson or Right of Patronage, with a view to Proceedings being taken for the Union of Two or more Benefices under the Provisions of the said Act passed in the Second Year of Her present Majesty's Reign, it shall be lawful for the said Commissioners, with the Consent of the Patron or Patrons of every such Advowson or Right of Patronage, and also, in case any such Advowson or Right of Patronage shall be vested in or belong to any Ecclesiastical Corporation, Aggregate or Sole, with the Consent of the Bishop of the Diocese, or in the Case of Benefices lying in more than One Diocese then with the Consent of the Bishop of each Diocese, and where a Bishop shall be himself one of the Patrons with the Consent of the Archbishop of the Province, to certify

1&2 Vict. c. 106.
§ 16.

certify the same to such Archbishop; and that thereupon, if the said Archbishop shall think fit, Proceedings may be taken, under and in pursuance of the Provisions of the said last-mentioned Act, for effecting the Union of such Benefices; and the said Archbishop, at the same Time that he shall certify to Her Majesty in Council the Inquiry and Consent referred to in the same Act, shall transmit such Certificate of the said Commissioners to Her Majesty in Council, together with an Abstract of the Title to any Advowson or Right of Patronage mentioned in the Certificate of the said Commissioners, other than Advowsons or Rights of Patronage belonging to any such Ecclesiastical Corporation as aforesaid, and the Opinion of Counsel on such Title; and that thereupon it shall be lawful for Her Majesty in Council, in any Order for such Licence made and issued under the Provisions of the same Act, to order that such Exchange as aforesaid shall take effect; and upon such Order being made and registered pursuant to the said Act the said Exchange shall be valid and effectual, without any other Assurance in the Law, and notwithstanding that the Advowsons or Rights of Patronage, or any or either of them, exchanged by virtue of the said Order, were or was previously thereto vested in or belonged to any such Ecclesiastical Corporation as aforesaid; and the respective Exchanges, their Heirs, Appointees, Successors, and Assigns, shall thenceforth stand seised of the Advowsons or Rights of Patronage so taken in Exchange, in the same Manner, to all Intents and Purposes, and subject to the same Trusts, Powers, Limitations, Charges, and Incumbrances (if any), as the Advowsons or Rights of Patronage by them given in Exchange were respectively held and were subject.

XXIV. And be it declared and enacted, That all the Provisions relating to the Consent of Patrons of Benefices, contained in the thirdly recited Act passed in the Second Year of the Reign of Her present Majesty, shall be construed to apply to the Consent of Patrons under the Provisions of the secondly recited Act and of this Act, as fully and effectually as if the same had been therein and herein repeated and enacted respecting the Patrons of Benefices affected by such secondly recited Act and this Act.

XXV. And be it enacted, subject to the Provisions of the said secondly recited Act with respect to the Interests of existing Incumbents; That in the Queen's Free Chapel of *Saint George* within Her Castle of *Windsor* so soon as a Vacancy shall occur in the Deanery, the Share of the divisible Corporate Revenues from Time to Time payable to each Canon appointed after the passing of the same Act, and to the Ecclesiastical Commissioners for *England* in respect of each suspended Canonry, shall be One Fourteenth Part of the whole of such Revenues, and the Remainder thereof shall be paid to the Dean and in the Cathedral Church of *Lincoln*, so soon as the Chapter thereof shall entirely consist of a Dean and Canons appointed after the passing of the said secondly recited Act,

Consent of Patrons how to be given. 1&2 Vict. c.106. §§ 125 to 128 inclusive. 3&4 Vict. c.113. §§ 71, 72, 73, 74.

Division of Corporate Revenues at Windsor and Lincoln. 3&4 Vict. c.113. § 75.

the whole divisible Corporate Revenues shall from Time to Time be divided into Six Shares, and Two of such Shares shall be paid to the Dean, and One of such Shares shall be paid to each Canon; and in the meantime such Revenues may be so apportioned by the Authority in the said secondly recited Act provided as to afford just Shares thereof to the new Members of Chapter.

Augmentations under 1 & 2 W. 4. c. 45. may be made by all Corporations Sole; 3 & 4 Vict. c. 113. § 76.;

and Building Land may be let or sold for the Purpose.

XXVI. And be it declared and enacted, That the Provisions of the secondly recited Act respecting the Augmentations of Benefices under the Provisions of an Act passed in the Second Year of the Reign of His late Majesty King *William the Fourth*, intituled *An Act to extend the Provisions of an Act passed in the Twenty-ninth Year of the Reign of His Majesty King Charles the Second, intituled 'An Act for confirming and perpetuating Augmentations made by Ecclesiastical Persons to small Vicarages and Curacies; and for other Purposes,* therein recited, do and shall extend and apply to every Dean, Canon, Prebendary, or other Dignitary or Officer whose Revenues are or may be affected by any of the Provisions of the said Two first-recited Acts or either of them, or of this Act; and if for the Purpose of more fully carrying into effect the Provisions of the said Act relative to Augmentations it shall appear to the said Commissioners and to any Bishop or Chapter to be expedient that any Land belonging to such Bishop or Chapter adjacent to or situate within the Distance of Twenty Miles from any City or Town should be let or sold for Purposes of Building or other Improvement, it shall be lawful for such Bishop or Chapter, as the Case may be, with the Consent of the said Commissioners under their Common Seal, to grant any Lease or Leases of such Land for such Period or Periods and upon such Conditions as the said Commissioners, having regard to the Circumstances of the Case, shall deem just and equitable, or, with the like Consent, to convey the said Land in Fee Simple for such Price as shall appear to the said Commissioners to be the full Value thereof; provided that the Rent in the former Case, or the Purchase Money in the latter Case, after reserving to the Bishop or Chapter, as the Case may be, an annual Payment equal to the Amount theretofore enjoyed in respect of the Land so let or sold, shall be wholly applied to the Purposes of the said last-mentioned Act, the Consent of the said Commissioners being in all Cases necessary to the particular Application thereof: Provided also, that if it be deemed expedient with a view to the better effecting of such Purposes, such Rent or Purchase Money, or any Part thereof, may, with the like Consent, be at any Time reinvested in the Purchase of Land.

Commissioners may pay Agents, &c.

XXVII. And be it enacted, That it shall be lawful for the Ecclesiastical Commissioners for *England*, out of the Revenues accruing to them under the said recited Acts respectively or this Act, to pay and defray all necessary Law Charges, and to make any such Allowance for Costs, Charges, Expences, Pains, and Trouble, as to the said Commissioners shall appear just and reasonable, to any Person employed by them in receiving or

paying any Monies accruing to them, or in auditing any Accounts relating thereto, or in surveying, valuing, or performing any other Duty relating to or connected with the Possession or Management of any Lands, Tithes, or other Hereditaments vested in them the said Commissioners, or relating to or connected with any other Matter or Thing to be done or executed under the Authority of the said recited Acts, or either of them, or of this Act.

XXVIII. And be it enacted, That nothing in this Act contained shall, except as herein-after specified, extend or apply to the Dioceses or Cathedral Churches of *Saint Asaph* and *Bangor* or either of them; and that an Act passed in the Sixth Year of the Reign of His late Majesty, intituled *An Act for protecting the Revenues of vacant Ecclesiastical Dignities, Prebends, Canonries, and Benefices without Cure of Souls, and for preventing the Lapse thereof, during the pending Inquiries respecting the State of the Established Church in England and Wales*, and another Act passed in the Seventh Year of the Reign of His said late Majesty, intituled *An Act for suspending for One Year Appointments to certain Dignities and Offices in Cathedral and Collegiate Churches, and to Sinecure Rectories*, and such Parts of another Act passed in the Second Year of the Reign of Her present Majesty, intituled *An Act to suspend until the First Day of August One thousand eight hundred and forty certain Cathedral and other Ecclesiastical Preferments, and the Operation of the new Arrangement of Dioceses upon the existing Ecclesiastical Courts*, as relate to the Two last-mentioned Acts, so far only as the same Acts and Parts of an Act apply to the said Two last-mentioned Dioceses and Churches, or either of them, and also the temporary Provisions of the first herein recited Act, shall respectively continue and be in force until the First Day of *August* in the Year One thousand eight hundred and forty-two, and, if Parliament shall be then sitting, until the End of the then Session of Parliament: Provided always, that notwithstanding any thing in the same Acts, or any or either of them, or in this Act contained, it shall be lawful for the Bishop of *Bangor* for the Time being to collate to any vacant Canonry, Prebend, Dignity, or Office in the said Cathedral Church of *Bangor* not having any Estate or Endowment belonging thereto; and also that any Bishop or Archdeacon may hold Visitations of the Clergy within the Limits of his Diocese or Archdeaconry, and at such Visitations may admit Churchwardens, receive Presentments, and do all other Acts, Matters, and Things by Custom appertaining to the Visitations of Bishops and Archdeacons in the Places assigned to their respective Jurisdiction and Authority under or by virtue of the Provisions of the said first or secondly recited Act; and any Bishop may consecrate any new Church or Chapel or any new Burial Ground within his Diocese.

XXIX. And for the Purpose of removing all Doubts respecting the Meaning of the Terms "Real Estates," "Lands," and "Lands, Tenements, and Hereditaments," be it declared and enacted, That the said Terms, wherever they occur, either in the

Act not to apply to Saint Asaph and Bangor, &c.

5 & 6 W. 4. c. 30.

6 & 7 W. 4. c. 67.

2 & 3 Vict. c. 55.

Construction of the Terms "Lands," &c.

the Recital or in the Enactments of either of the said recited Acts, or in any Scheme, or any Order of Her Majesty in Council, prepared and issued under the Authority of those Acts or either of them, shall respectively be construed to include and comprehend Lands, Tithes, Tenements, and other Hereditaments, except any Right of Ecclesiastical Patronage; and that the said first-mentioned Terms, and also the Term "Lands, Tithes, Tenements, or other Hereditaments," in any Part of either of the said recited Acts or in this Act or in any such Scheme or Order in Council contained, shall be construed to apply and extend to Lands, Tithes, Tenements, and other Hereditaments, as well in Reversion as in Possession, and to any Leasehold Interest therein; and that the Term "Tithes" in either of the said Acts or in this Act contained shall extend to and comprehend Rents-charges allotted or assigned in lieu of Tithes; and the Ecclesiastical Commissioners for *England* shall, in respect of all Lands, Tithes, Tenements, or other Hereditaments, Endowments, or Emoluments, already vested or liable to be vested in them by or under the Provisions of either of the said Acts or of this Act, be deemed to be the Owners or joint Owners thereof respectively, as the Case may be, for all the Purposes of an Act passed in the Seventh Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for the Commutation of Tithes in England and Wales*, and of the several Acts to explain and amend the same.

Provisions of
Tithe Commu-
tation Acts ex-
tended to Com-
missioners.

6 & 7 W. 4. c. 71.

Powers of
6 & 7 W. 4. c. 77.
and 3 & 4 Vict.
c. 113. extended
to this Act.

XXX. And be it enacted, That all the Powers and Authorities vested in Her Majesty in Council and in the Ecclesiastical Commissioners for *England* by the Two first-recited Acts or either of them with reference to the Matters therein respectively contained, and all other the Provisions of the secondly recited Act relating to Schemes and Orders prepared, made, and issued for the Purposes thereof, shall be continued, and extended and apply to Her Majesty in Council and to the said Commissioners, and to all Schemes and Orders prepared, made, and issued by them respectively with reference to all Matters contained in this Act, as fully and effectually as if the said Powers, Authorities, and other Provisions were repeated in this Act; and that so much of the said secondly recited Act as enacts that the said first-recited Act and the said secondly recited Act shall be construed as if they were one and the same Act shall be repealed.

Act may be
amended, &c.

XXXI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

CAP. XL.

An Act to empower the Commissioners of Her Majesty's Woods to raise Money for certain Improvements in the Metropolis on the Security of the Land Revenues of the Crown within the County of *Middlesex* and City of *London*.

5th Vic. 64
7th Vic. 1

[21st June 1841.]

WHEREAS by an Act passed in the Third and Fourth Years of the Reign of Her present Majesty, intituled *An Act to enable Her Majesty's Commissioners of Woods, Forests, Land Revenues, Works, and Buildings to make additional Thoroughfares in the Metropolis*, the said Commissioners were thereby authorized and empowered to make, form, and complete Three new Thoroughfares or Streets in the following Lines or Directions; namely, one of such Streets to commence from the East End of *Oxford Street*, and to run from thence in or nearly in a direct Line therewith Eastward into *Holborn* at or near the South End of *Southampton Street*, *Bloomsbury Square*; another of such Streets to commence from the North Side of *Long Acre* opposite *Bow Street*; and to run from thence in or nearly in a North-west Direction to *Charlotte Street*, *Bloomsbury*; and the other of such Streets to commence from or near to the *London Docks*, and to run from thence into *Leman Street*, and from thence in a North-west Direction nearly in a direct Line with *Leman Street* to the West Front of *Spitalfields Church*: And whereas by another Act passed in the present Session of Parliament, intituled *An Act to enable Her Majesty's Commissioners of Woods to make a new Street from Coventry Street, Piccadilly, to Long Acre; and for other Improvements in the Metropolis*, the said Commissioners were thereby authorized and empowered to make, form, and complete a new Street from the East End of *Coventry Street*, *Piccadilly*, to the West End of *Long Acre*, and also a new Thoroughfare or Street to commence at the East End of *East Smithfield* near to the Entrance to the *London Docks*, and to extend from thence into *Rosemary Lane* nearly opposite to the South End of *White Lion Street*, where such Thoroughfare or new Street will join the said Thoroughfare or new Street so authorized to be made and formed by the said herein-before recited Act; and the said Commissioners were also authorized, by and with the Consent of the Lord High Treasurer, or the Commissioners of Her Majesty's Treasury, or any Three or more of them, to apportion and pay, out the Monies to be borrowed and raised by the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, under the Powers and Provisions of the now-reciting Act, in aid of other Improvements in the Metropolis, the following Sums; namely, the Sum of Twenty-five thousand Pounds towards

[No. 21. Price 2d.]

X

the

the Recital or in the Enactments of either of the said recited Acts, or in any Scheme, or any Order of Her Majesty in Council, prepared and issued under the Authority of those Acts or either of them, shall respectively be construed to include and comprehend Lands, Tithes, Tenements, and other Hereditaments, except any Right of Ecclesiastical Patronage; and that the said first-mentioned Terms, and also the Term "Lands, Tithes, Tenements, or other Hereditaments," in any Part of either of the said recited Acts or in this Act or in any such Scheme or Order in Council contained, shall be construed to apply and extend to Lands, Tithes, Tenements, and other Hereditaments, as well in Reversion as in Possession, and to any Leasehold Interest therein; and that the Term "Tithes" in either of the said Acts or in this Act contained shall extend to and comprehend Rents-charges allotted or assigned in lieu of Tithes; and the Ecclesiastical Commissioners for *England* shall, in respect of all Lands, Tithes, Tenements, or other Hereditaments, Endowments, or Emoluments, already vested or liable to be vested in them by or under the Provisions of either of the said Acts or of this Act, be deemed to be the Owners or joint Owners thereof respectively, as the Case may be, for all the Purposes of an Act passed in the Seventh Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for the Commutation of Tithes in England and Wales*, and of the several Acts to explain and amend the same.

Provisions of
Tithe Commu-
tation Acts ex-
tended to Com-
missioners.

6 & 7W.4. c.71.

Powers of
6 & 7W. 4. c.77.
and 9 & 4 Vict.
c.113. extended
to this Act.

XXX. And be it enacted, That all the Powers and Authorities vested in Her Majesty in Council and in the Ecclesiastical Commissioners for *England* by the Two first-recited Acts or either of them with reference to the Matters therein respectively contained, and all other the Provisions of the secondly recited Act relating to Schemes and Orders prepared, made, and issued for the Purposes thereof, shall be continued, and extended and apply to Her Majesty in Council and to the said Commissioners, and to all Schemes and Orders prepared, made, and issued by them respectively with reference to all Matters contained in this Act, as fully and effectually as if the said Powers, Authorities, and other Provisions were repeated in this Act; and that so much of the said secondly recited Act as enacts that the said first-recited Act and the said secondly recited Act shall be construed as if they were one and the same Act shall be repealed.

Act may be
amended, &c.

XXXI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

CAP. XL.

An Act to empower the Commissioners of Her Majesty's Woods to raise Money for certain Improvements in the Metropolis on the Security of the Land Revenues of the Crown within the County of *Middlesex* and City of *London*.

546/2c 64
748/2c 1

[21st June 1841.]

WHEREAS by an Act passed in the Third and Fourth Years of the Reign of Her present Majesty, intituled *An Act to enable Her Majesty's Commissioners of Woods, Forests, Land Revenues, Works, and Buildings to make additional Thoroughfares in the Metropolis*, the said Commissioners were thereby authorized and empowered to make, form, and complete Three new Thoroughfares or Streets in the following Lines or Directions; namely, one of such Streets to commence from the East End of *Oxford Street*, and to run from thence in or nearly in a direct Line therewith Eastward into *Holborn* at or near the South End of *Southampton Street*, *Bloomsbury Square*; another of such Streets to commence from the North Side of *Long Acre* opposite *Bow Street*, and to run from thence in or nearly in a North-west Direction to *Charlotte Street*, *Bloomsbury*; and the other of such Streets to commence from or near to the *London Docks*, and to run from thence into *Leman Street*, and from thence in a North-west Direction nearly in a direct Line with *Leman Street* to the West Front of *Spitalfields Church*: And whereas by another Act passed in the present Session of Parliament, intituled *An Act to enable Her Majesty's Commissioners of Woods to make a new Street from Coventry Street, Piccadilly, to Long Acre; and for other Improvements in the Metropolis*, the said Commissioners were thereby authorized and empowered to make, form, and complete a new Street from the East End of *Coventry Street, Piccadilly*, to the West End of *Long Acre*, and also a new Thoroughfare or Street to commence at the East End of *East Smithfield* near to the Entrance to the *London Docks*, and to extend from thence into *Rosemary Lane* nearly opposite to the South End of *White Lion Street*, where such Thoroughfare or new Street will join the said Thoroughfare or new Street so authorized to be made and formed by the said herein-before recited Act; and the said Commissioners were also authorized, by and with the Consent of the Lord High Treasurer, or the Commissioners of Her Majesty's Treasury, or any Three or more of them, to apportion and pay, out the Monies to be borrowed and raised by the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, under the Powers and Provisions of the now-reciting Act, in aid of other Improvements in the Metropolis, the following Sums; namely, the Sum of Twenty-five thousand Pounds towards

[No. 21. Price 2d.] X the

3 & 4 Vict. c. 87.

4 & 5 Vict. c. 12.

standing any Provisions, Restrictions, or Clauses contained in any Act or Acts of Parliament relating to Her Majesty's Land Revenue, from Time to Time to borrow and take up, at any Rate of Interest not exceeding Five Pounds *per Centum per Annum*, and on such Terms and Conditions as they shall think proper, such Sum or Sums of Money as they the said Commissioners, with such Consent and Approbation as aforesaid, shall judge necessary for the Purpose of carrying into effect and completing the said several Improvements and new Streets so authorized and directed to be made by them by the said several herein-before recited Acts as aforesaid, on Mortgage of all or any Part or Parts of the Houses, Buildings, Lands, Tenements, and Hereditaments of or belonging to Her Majesty, Her Heirs and Successors, within the County of *Middlesex* and City of *London*, or either of them (other than Royal Palaces and Parks), and for securing the Repayment of the Sum or Sums so to be borrowed, or any Part or Parts thereof, with Interest for the same, with such Consent and Approbation as aforesaid, to grant, demise, or mortgage all or any Part or Parts of the same Houses, Buildings, Lands, Tenements, and Hereditaments respectively, unto any Person or Persons, Body or Bodies Corporate, who shall lend and advance such Sum or Sums of Money respectively, his, her, or their Heirs, Executors, or Administrators, Successors or Assigns, or to whom he or they or any such Body shall appoint, for any Term of Years, so that every such Grant, Mortgage, or Security be made with a Proviso or Condition to cease and be void when such Sum or Sums of Money thereby to be secured, and the Interest thereof, shall be fully paid and satisfied; and every such Grant, Mortgage, or Security shall be in the Form or to the Effect following, or as near thereto as Circumstances shall require, or the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings shall think proper; (that is to say,)

Form of
Mortgage.

‘ THE Commissioners of Her Majesty's Woods, Forests, Land
 ‘ Revenues, Works, and Buildings (incorporated for the
 ‘ Purposes of the Act of Parliament herein-after mentioned),
 ‘ being duly authorized by the Lords Commissioners of Her
 ‘ Majesty's Treasury, and acting in pursuance of an Act passed
 ‘ in the Fourth Year of the Reign of Her Majesty Queen
 ‘ *Victoria*, intituled [*here set forth the Title of this Act*], in con-
 ‘ sideration of the Sum of _____ lent and advanced
 ‘ by _____ to the Commissioners of Her Majesty's
 ‘ Woods, Forests, Land Revenues, Works, and Buildings, upon
 ‘ the Credit and for the Purposes of the said Act, do, by and
 ‘ with the Consent and Approbation of the Commissioners of
 ‘ Her Majesty's Treasury, testified by a Warrant under the
 ‘ Hands of Three of the said Commissioners, signed by them
 ‘ before the Date hereof, and for and on behalf of Her Majesty,
 ‘ grant and demise unto [_____], his [her or their] Exe-
 ‘ cutors, Administrators, or Assigns, [or Successors], or [to a
 ‘ Trustee or Trustees on the Part of the Person or Body making the
 ‘ Advance,

Advance, as the Case may be], all [here insert the Premises intended
 to be mortgaged], to hold to the said his [or their]
 Executors, Administrators, or Assigns [or his or their Succes-
 sors and Assigns, as the Case may be], for a Term of One
 thousand Years, to be computed from the Day before the
 Date hereof, for securing the Repayment of the said Sum of
 Pounds, with Interest for the same after the Rate
 of *per Centum per Annum*, such Interest to be paid
 by half-yearly Payments as from the Date hereof without De-
 duction: Provided (and these Presents are upon this express
 Condition) that the Demise hereby made and Term hereby
 granted shall cease and be void when and as soon as the said
 Sum of and the Interest thereof, as aforesaid, shall
 be fully paid and satisfied [here may be introduced any special
 Clauses respecting the Time and Manner of Payment, or other-
 wise, as may be agreed upon between the Parties]. In witness
 whereof the said Commissioners of Her Majesty's Woods,
 Forests, Land Revenues, Works, and Buildings have hereunto
 set their Corporate Seal, the Day of
 in the Year of our Lord

And every such Mortgage, and every Assignment thereof, shall
 be enrolled in the Office of Land Revenue Records and En-
 rolments, and entered in the Office of Woods, within Three
 Calendar Months from the Date thereof; and every such Grant,
 Mortgage, or Security shall be good and valid, notwithstanding
 any Provisions, Restrictions, or Clauses contained in any such
 Act or Acts of Parliament as aforesaid, and shall entitle the
 Person or Persons, Body or Bodies, to or in Trust for whom
 the same shall be made, his, her, or their Executors, Admi-
 nistrators, Successors, or Assigns, to the Payment of the Sum
 or Sums of Money, and Interest, secured by any such Grant,
 Mortgage, or Security, according to the true Intent and Mean-
 ing thereof and of this Act; and the said Hereditaments to be
 included in any such Mortgage or Charge shall, as regards the
 Security to the Mortgagee or Mortgagees, be freed and dis-
 charged from all Charges and Incumbrances whatsoever now
 affecting or hereafter to affect the Land Revenues of the Crown;
 and the Costs, Charges, and Expences of every such Grant,
 Mortgage, or Security, or in anywise relating thereto, shall be
 from Time to Time defrayed by the Commissioners of Her
 Majesty's Woods, Forests, Land Revenues, Works, and Build-
 ings, out of the Monies so to be borrowed.

Mortgages to
be enrolled, &c.

II. And be it enacted, That the Receipts in Writing of the
 Commissioners of Her Majesty's Woods, Forests, Land Re-
 venues, Works, and Buildings, or of any Two of them, to be
 indorsed on any such Mortgage or Charge, for any Money
 payable to them the said Commissioners under or by virtue of
 this Act, shall be sufficient Discharges for the same to the Per-
 sons or Bodies respectively paying the same, who shall not
 afterwards be liable for any Misapplication thereof.

Receipts of
Commissioners
to be good Dis-
charges for
Mortgage
Money.

III. And be it enacted, That the Monies so to be raised shall
 be paid and applied by the said Commissioners for the Purpose

Application
of Monies to
be raised on
of Mortgage.

Of effecting the aforesaid Improvements by the said recited Acts or any of them directed or authorized to be made by the said Commissioners, and also in Payment of the Expences of obtaining the said Acts, and of carrying the same into effect, and in such and the same Manner as is in and by the said recited Acts respectively directed with respect to the Monies thereby authorized to be raised.

Commissioners of Woods to be a Corporation for the Purposes of this Act.

IV. And be it enacted, That for the Purposes of this Act the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings for the Time being shall be and they are hereby constituted a Corporation, as in and by the said recited Act of the Third and Fourth Years of Her present Majesty, and of the said recited Act of this present Year of Her said Majesty, is enacted and provided, and may, for the Purposes of this Act, have such Seal as is by the said last-mentioned Acts provided.

Nothing in this Act to prevent Commissioners borrowing Money.

V. And be it enacted, That nothing herein contained shall prevent the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings from charging, raising, or borrowing the Sum and Sums of Money which they are by the said several herein-before recited Acts authorized to charge, raise, or borrow.

For securing Repayment of the Sums borrowed on the Credit of the Land Revenues.

VI. And be it enacted, That all Sum and Sums of Money which may from Time to Time hereafter be received by the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, from any Sales directed or authorized to be made by them by the herein-before recited Acts, or as the Premium on the granting of any Lease, or which may be received on the rescinding of any Contract, or which shall be forfeited in respect of the Nonperformance of any Contract, and all other the Monies (if any) and also the Rents (if any) of all the Hereditaments which may be acquired under or by virtue of the said recited Acts or any of them, until the same shall be sold (except such Monies as may be advanced to the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings by the Commissioners for the Issue of Exchequer Bills for public Works, or any other Person or Persons, on the Credit of the Coal and Wine Duties and other Funds authorized to be charged by the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, under the Powers and Provisions of the said recited Acts), or a sufficient Part thereof, shall be applied by the said Commissioners, in the first place, in the Repayment, so far as the same will extend, of any Sum or Sums of Money which may be borrowed on the Credit of the Land Revenues of the Crown, and the Interest thereof, under the Powers and Provisions herein-before contained; and all Monies which may be advanced to the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, by the said Commissioners for the Issue of Exchequer Bills, or any other Person or Persons, on the Credit of the Coal and Wine Duties, and other Funds herein-before mentioned, under the Powers and Provisions of the

the said recited Acts, shall (subject to the before-mentioned Advances in aid of the Costs and Expences attending the making, forming, and completing the said Street to *Clerkenwell Green*, the Street between *Southwark* and *Westminster Bridge*, and the Communication between the Houses of Parliament and *Buckingham Palace*, in case the Lord High Treasurer, or the Commissioners of Her Majesty's Treasury, or any Three or more of them, shall, in the Exercise of their Discretion, think fit and proper to consent to such Advances being made by the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings,) be also applied by the said Commissioners, in the first place, in the Repayment of such Sum or Sums of Money as may be borrowed on the Credit of the Land Revenues of the Crown, and the Interest thereof as aforesaid, or of so much thereof as shall remain due; and, subject as aforesaid, all and singular the Monies which by any Means whatsoever shall come to the Hands of the said Commissioners by virtue of the said recited Acts or of this Act shall be applied, as directed by the said several herein-before recited Acts, in such and the like Manner as if this Act had not been passed: Provided always, that nothing in this Act contained shall authorize the levying or raising by the Means aforesaid any Sum or Sums of Money for any other Purpose than for the Purpose of executing the aforesaid Improvements, and other the Purposes aforesaid.

VII. And be it enacted, That no such Mortgage or Security which may be made or executed as aforesaid shall be subject or liable to any *ad valorem* or other Stamp Duty whatsoever imposed by any Act or Acts of Parliament now in force, or to be imposed by any future Act or Acts of Parliament, unless the same be specially subjected to and specifically charged therewith in and by such future Act and Acts.

Mortgages
exempted from
Stamp Duty.

VIII. And be it enacted, That this Act shall be deemed to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

Public Act.

CAP. XLI.

An Act to provide for the Payment of Debts, Charges, and Incumbrances affecting Houses of Industry and Workhouses, and of Advances made, conformably with previous Usage, for the lawful Purposes of such Houses of Industry and Workhouses, in certain Cases, in *Ireland*. [21st June 1841.]

‘ WHEREAS by an Act passed in the Parliament of *Ireland*
 ‘ in the Eleventh and Twelfth Years of the Reign of His
 ‘ late Majesty King *George the Third*, intituled *An Act for*
 ‘ *badging such Poor as shall be found unable to support themselves*
 ‘ *by Labour, and otherwise providing for them, and for restraining*
 ‘ *such as shall be found able to support themselves by Labour or*
 ‘ *Industry*

11 & 12 G. 3.
c. 30. (1.)

27 G. 3. c. 44.
(1.)

1 & 2 Vict. c. 56.
§34.

‘ *Industry from begging*, Provision was made for the Establishment
 ‘ of Houses of Industry for the several Counties, Counties of
 ‘ Cities and Counties of Towns, in *Ireland*, and for the Main-
 ‘ tenance and Support thereof, by means of Presentments to be
 ‘ made by the respective Grand Juries of such Counties, Coun-
 ‘ ties of Cities and Counties of Towns : And whereas by another
 ‘ Act passed in the said Parliament of *Ireland* in the Twenty-
 ‘ seventh Year of the Reign of His said Majesty King *George*
 ‘ the Third, to explain and amend the said first-recited Act,
 ‘ it was enacted, that whenever any County should not have
 ‘ provided a House of Industry in such County it should be
 ‘ lawful for the Grand Jury of such County to make Present-
 ‘ ments for the Purposes of the House of Industry in the next
 ‘ adjoining County of a City or County of a Town, as if such
 ‘ House of Industry was situate in the said County at large,
 ‘ and that during such Time as the said Presentments should be
 ‘ made and paid such House of Industry should be considered
 ‘ to all Intents and Purposes the House of Industry for the
 ‘ Use of the said County as well as of the said County of a City
 ‘ or County of a Town : And whereas divers Houses of Industry
 ‘ were accordingly established, and Presentments made by the
 ‘ Grand Juries of certain Counties at large for the Purposes
 ‘ of Houses of Industry situate in certain adjoining Counties of
 ‘ Cities and Towns : And whereas by an Act passed in the First
 ‘ and Second Years of the Reign of Her present Majesty, intit-
 ‘ uted *An Act for the more effectual Relief of the Destitute Poor*
 ‘ in *Ireland*, it was enacted, that, when any Union should have
 ‘ been declared, every House of Industry, Workhouse, and
 ‘ Foundling Hospital which had been either wholly or in part
 ‘ supported by Parliamentary Tax, Grant, Grand Jury Aid, or
 ‘ by any compulsory Rate or Contribution, situate within the
 ‘ Limits of such Union, and all Lands, Tenements, and Here-
 ‘ ditaments, and Real Property, and Chattels Real, and the
 ‘ Produce of any Tax of and belonging thereto, should vest
 ‘ in the Poor Law Commissioners for the Time, being subject
 ‘ to the Debts, Charges, and Incumbrances affecting the same
 ‘ respectively, and to the Repayment of any Advances which,
 ‘ conformably with previous Usage, had been made for the
 ‘ lawful Purposes of any such House of Industry, Workhouse,
 ‘ or Foundling Hospital; and it was thereby further enacted,
 ‘ that it should be lawful for the said Poor Law Commissioners
 ‘ for the Time being, when they should so think fit, to sell any
 ‘ Lands, Tenements, or Hereditaments which might become
 ‘ vested in them by or under the Authority of the said Act now
 ‘ in recital, and that the Purchase Money should be applied
 ‘ in the Purchase of other Premises, to be held on the like
 ‘ Trusts as those sold, or in such Manner as the said Commis-
 ‘ sioners should think advisable for the Benefit of the Union
 ‘ or Institution for the Benefit or Purposes of which the said
 ‘ Hereditaments had been holden : And whereas under the
 ‘ Provisions of the said last-recited Act, and the Acts amending
 ‘ the same, Unions for the Relief of the Poor have been or may
 ‘ be

‘ be declared, consisting of Portions of Counties of Cities and Counties of Towns, together with Portions of adjoining Counties at large, and other Unions have been or may be declared, consisting of Portions of Counties at large: And whereas it is expedient that Provision should be made for the immediate Payment of all Debts and Charges affecting such Houses of Industry, and of such Advances as shall have been made for the lawful Purposes thereof, conformably with previous Usage:’ Be therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for the Poor Law Commissioners, or such Assistant Commissioner as they shall appoint for that Purpose; to inquire into and ascertain all Debts, Charges, and Incumbrances affecting any House of Industry or Workhouse, which was heretofore established or supported by virtue of the said Two first-recited Acts or any of them, and which has been or shall be declared or appropriated as or for a Workhouse, under the said Act of the First and Second Years of the Reign of Her present Majesty, and also all Advances which shall have been made for the lawful Purposes of such House of Industry or Workhouse up to the Time of such Declaration or Appropriation; and the said Commissioners, or such Assistant Commissioner, shall, by a Certificate in Writing, certify the Nature and Amount of such Debts, Charges, Incumbrances, and Advances, and the several Items composing the same, when and where the same were created or made, and to whom the same may be due, and shall also thereby, according to the Nature of the Case, apportion and specify the Proportions in which the Amount so certified shall be defrayed by all the several Unions or Parts of Unions comprised within the County or County of a City or County of a Town respectively wherein such House of Industry or Workhouse may be situate, or, where any House of Industry has been used for the Purposes of any County at large as well as of any County of a City or County of a Town, then by all the several Unions or Parts of Unions comprised as well within such County as within such County of a City or County of a Town; and in making such Apportionment they shall have regard to the Proportions in which such County and County of a City or County of a Town comprising such Unions or Parts of Unions respectively shall have been theretofore respectively contributory to the Purposes of such House of Industry, whether by Parliamentary Tax, Grant, Grand Jury Aid, or by any compulsory Rate or Contribution; and the said Poor Law Commissioners, or such Assistant Commissioner, shall, within One Week after the Receipt of such Certificate, transmit or cause to be transmitted a Duplicate thereof to the Clerk of the Guardians of the Poor of every Union by which or any Part of which it is proposed by such Certificate that the Amount therein specified, or any Proportion thereof, shall be defrayed; and such Clerk

Poor Law Commissioners, or Assistant Commissioner appointed by them, to inquire into and certify the Amount of Debts, &c. affecting any House of Industry, &c., and to specify the Proportion in which they shall be paid by the several Unions.

Certificate to be transmitted to the Clerk of the Guardians of the Poor.

Clerk shall endorse on such Certificate the Date of the Receipt thereof, and shall publish and notify the Receipt thereof in such Manner as the Guardians shall direct, and shall permit any Rate-payer of such Union at all reasonable Times to inspect the same, and to make any Extract or Copy therefrom without Fee or Reward.

Twenty Rate-payers of any Union may appeal to the Assistant Barrister against such Certificate.

Assistant Barrister to have Power to hear the Appeal and give Costs.

7 W. 4. &
1 Vict. c. 54.

Sums specified in such Certificate to be a Charge upon the Poor Rates.

II. And be it enacted, That it shall be lawful for any Twenty or more Rate-payers of each or any such Union, within Twenty Days after the Duplicate of such Certificate shall be so received by the Clerk of such Union as aforesaid, to appeal against such Certificate on the Ground of any Matter contained therein or being omitted therefrom, to the Assistant Barrister having Civil Bill Jurisdiction within the County, County of a City, or County of a Town within which such House of Industry or Workhouse shall be situate, by depositing with the said Clerk of the Guardians, within such Period of Twenty Days, a Notice of Appeal, in the Form specified in the Schedule to this Act annexed, or to the like Effect, specifying the Grounds of such Appeal; and the said Clerk of the Guardians shall transmit every such Notice of Appeal to such Assistant Barrister, and he shall have Power and Authority to hear and determine such Appeal, and to quash, confirm, or alter or amend such Certificate, and such Assistant Barrister shall in and about such Appeal exercise all such and the like Powers, Authorities, and Jurisdiction as may be exercised in relation to the Accounts of Treasurers by the Officer who shall be from Time to Time by Warrant authorized by the Lord Lieutenant or other Chief Governor or Governors of *Ireland* to audit and declare the Accounts of the several Treasurers of Counties, and Counties of Cities and Towns, under and by virtue of the Provisions of an Act passed in the Session of Parliament holden in the First Year of the Reign of Her present Majesty, intituled *An Act to provide more effectual Means to make Treasurers of Counties and Counties of Cities in Ireland account for public Monies, and to secure the same*, or of any Act or Acts amending the same; and such Assistant Barrister shall have Power to order the Costs of such Appeal, or such Costs as he shall deem just, to be paid by or to the Party so appealing, or by or to any Party resisting or opposing such Appeal; and any Order so made for such Costs shall have the Force of a Civil Bill Decree of such Assistant Barrister, and the Amount thereof may be recovered and levied accordingly, or the Amount thereof may be recovered by Civil Bill before any Assistant Barrister within whose Jurisdiction any Party liable to such Costs shall reside; and such Certificate, if not appealed from as aforesaid, or if so appealed from, then as the same shall be altered or amended by such Assistant Barrister, shall be final and conclusive to all Intents and Purposes.

III. And be it enacted, That the several Sums specified in such Certificate so made as aforesaid, or so amended or altered on Appeal, as the Proportions to be defrayed by or charged upon the several Unions or Parts of any Union or Unions specified therein, shall be a Charge upon the Poor Rates levied or

to be levied on such Unions, or Parts of an Union or Unions respectively; and the Guardians of every such Union are hereby authorized and required to assess, raise, and levy such Sum or Sums of Money specified in such Certificate as the said Poor Law Commissioners shall from Time to Time direct as Part of the Poor Rate, and shall pay the same to such Bank or Banks for or to be paid over to the respective Parties entitled under such Certificate to such Debts, Charges, Incumbrances, or Advances respectively according to Directions to be given for that Purpose by the said Poor Law Commissioners.

IV. And be it enacted, That when and so soon as the said Commissioners shall, under the Provisions of the said last-recited Act, think fit to sell and dispose of such Houses of Industry, and other Property vested in them as aforesaid, then and thereupon the Proceeds and Produce of such Sale shall be by the said Commissioners paid to and amongst the Guardians of the respective Unions which shall have contributed to the Payment of the said Debts, Charges, and Incumbrances, to be by them carried to the Credit of the several Parishes or Town Lands, or other Divisions or Districts, in such and the same Proportions as they shall have contributed to the Payment thereof.

Proceeds of Sale of Houses of Industry, &c. to be paid to Guardians of Unions, and carried to the Credit of the several Parishes, &c.

V. And be it enacted, That it shall be lawful for the said Poor Law Commissioners, if it shall seem expedient to them so to do, to appoint a Barrister of not less than Six Years standing to act as Assistant or Assessor with the Poor Law Commissioners or such Assistant Commissioner upon such Inquiry; and in such Case every such Certificate shall be signed as well by such Barrister as by the Poor Law Commissioners or such Assistant Commissioner respectively.

Poor Law Commissioners empowered to appoint a Barrister as Assessor or upon the Inquiry.

VI. And be it enacted, That it shall be lawful for the said Poor Law Commissioners to pay to each Barrister nominated by them as aforesaid to act with them or with an Assistant Poor Law Commissioner for the Purposes of this Act, a Sum not exceeding Five Guineas for every Day that he shall be so employed, and to pay the other necessary Expences attendant on carrying this Act into effect, including the Expences of Witnesses, if any; and the said Commissioners shall direct the Sum so paid by them to each such Barrister, and the other Expences of such Inquiry, to be added to the Amount specified in a Certificate herein-before mentioned; and the said Sum or Sums shall be defrayed by the several Unions or Parts of Unions in the same Manner and in the like Proportions as the Amount so specified in the said Certificate, and shall be assessed, raised, and levied as a Poor Rate together therewith, and in addition to and as Part thereof, and paid over to such Person or Persons as the said Poor Law Commissioners shall direct.

Remuneration to Barrister.

VII. And be it enacted, That the said Poor Law Commissioners, and every Assistant Poor Law Commissioner and Barrister who shall be deputed and nominated to make the Inquiry herein-before directed to be made, shall have for the Purposes thereof all and every the Powers and Authorities of summoning Witnesses, and administering Oaths, and receiving

Power to examine Witnesses, and to call for Papers, &c. upon Oath.

Declarations

Declarations in lieu thereof, and of remunerating Witnesses, and of requiring and enforcing the Production upon Oath of Books, Contracts, Agreements, Accounts, and Writings, which by and under the Provisions of the said recited Act the Poor Law Commissioners are invested with for the Purposes thereof.

Act may be amended, &c.

VIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

SCHEDULE to which this Act refers.

County of _____ } WE, the undersigned Rate-payers of the Union
to wit. } of _____ do hereby give you Notice
that we appeal from the Certificate of [*here insert the Name or Names of the Poor Law Commissioner or Assistant Poor Law Commissioner, and Barrister,*] made in pursuance of an Act passed in the Fourth Year of the Reign of Her Majesty Queen Victoria, intituled "An Act to provide for the Payment of Debts, Charges, and Incumbrances affecting Houses of Industry and Workhouses, and of Advances made, conformably with previous Usage, for the lawful Purposes of such Houses of Industry and Workhouses, in certain Cases, in Ireland," to the Assistant Barrister of _____ upon the following Causes or Grounds; that is to say [*here state the Grounds of Appeal*].

Witness our Hands, this _____ Day of _____ One thousand eight hundred and _____

(Signed)

To
Clerk of the Guardians of the Poor }
of the Union of _____ }

CAP. XLII.

An Act to remove Doubts as to the Division of the Parish of *Winterbourne* in the County of *Gloucester* into Two Parishes. [21st June 1841.]

58 G. 3. c. 45.

WHEREAS by an Act of Parliament passed in the Fifty-eighth Year of the Reign of His late Majesty King George the Third, intituled *An Act for building and promoting the building of additional Churches in populous Parishes*, it was enacted, that in every Case in which the Commissioners acting in the Execution of the said Act should be of opinion that it would be expedient to divide any Parish into Two or more distinct and separate Parishes for all Ecclesiastical Purposes whatever, it should be lawful for the said Commissioners, with the Consent of the Bishop of the Diocese in which such Parish was locally situated, signified under his Hand and Seal, to apply to the Patron or Patrons of the Church of such Parish for his Consent to make such Division, and for such Patron or Patrons to signify his or their Consent thereto under his Hand and Seal; and the said Commissioners should, upon

' upon the Consent of the said Patron or Patrons so signified,
 ' represent the whole Matter to His Majesty in Council, and
 ' should state in such Representation the Bounds by which it
 ' was proposed, with such Consent as aforesaid, to divide such
 ' Parish, together with the relative and respective Proportions
 ' of Glebe Lands, Tithes, Moduses, or other Endowments
 ' which would by such Division arise and accrue and remain
 ' and be within each of such respective Divisions, and also the
 ' relative Proportions of the estimated Amount of the Value or
 ' Produce of Fees, Oblations, Offerings, or other Ecclesiastical
 ' Dues or Profits which might arise and accrue within each of
 ' such respective Divisions; and if thereupon His Majesty in
 ' Council should think fit to direct such Division to be made,
 ' such Order of His Majesty in Council should be valid and
 ' good in Law for the Purpose of effecting such Division; pro-
 ' vided always, that no such Division of any Parish into distinct
 ' Parishes should completely take effect until after the Death,
 ' Resignation, or other Avoidance of the existing Incumbent of
 ' the Parish to be divided; and it was by the same Act pro-
 ' vided and further enacted, that all Tithes, Moduses, Endow-
 ' ments, or other Ecclesiastical Dues or Profits belonging to
 ' the Incumbent of any such Parish, whether by Endowment,
 ' Prescription, Usage, or otherwise, should, when so divided as
 ' aforesaid, belong to and be recoverable by the Incumbents of
 ' the Churches of each of the Divisions respectively of the
 ' Parish to which they should be assigned, in like Manner in
 ' every respect as they were before recoverable by the Incum-
 ' bent of the original Parish; and it was by the same Act further
 ' provided and enacted, that during the Incumbency of the
 ' existing Incumbent of any such Parish, every new Church
 ' therein built, purchased, assigned, or provided as the intended
 ' Parish Church of any Division intended to become and be a
 ' distinct Parish should remain a Chapel of Ease, and should be
 ' served, during the Incumbency of such Incumbent of the
 ' original Parish, by a Curate to be nominated by such Incumbent
 ' and licensed by the Bishop of the Diocese, and paid in manner
 ' therein-after directed; and it was by the same Act further
 ' enacted, that every such distinct and separate Parish as afore-
 ' said should, when such Division as aforesaid should become
 ' complete by the Death, Resignation, or other Avoidance of
 ' the existing Incumbent of the original Parish, be deemed
 ' either a Rectory, Vicarage, Donative or Perpetual Curacy, and
 ' the Spiritual Person serving the same, the Rector, Vicar, or
 ' Perpetual Curate thereof, or Person having Cure of Souls
 ' therein, according to the Nature of the original Church of the
 ' Parish so divided, and should be for ever thereafter subject
 ' to the Laws, Provisions, and Regulations, as to Presentation
 ' and Appointment, and as to Institution, Collation, Induction,
 ' or Licence, and to all such Jurisdiction of the Bishop or other
 ' Jurisdiction, and to holding Benefices, as were by Law appli-
 ' cable to the original Parish; and it was by the same Act
 ' further enacted, that all Acts of Parliament, Laws, and Cus-
 ' toms,

' toms, relating to publishing Banns of Marriage, Marriages,
 ' Christenings, Churchings, and Burials, and the registering
 ' thereof, and to all Ecclesiastical Fees, Oblations, or Offer-
 ' ings, should apply to such separate and distinct Parishes and
 ' District Parishes so made as aforesaid, when they should so
 ' become complete, separate, and distinct Parishes, or District
 ' Parishes, under the Provisions of that Act, after the Death,
 ' Resignation, or other Avoidance of the existing Incumbents
 ' respectively in each such Parish or Extra-parochial Place, and
 ' to the Churches and Chapels thereof, and to the Ecclesiastical
 ' Persons having Cure of Souls or serving the same, in like
 ' Manner in every respect as if the same respectively had been
 ' ancient, separate, and distinct Parishes, and Parish Churches
 ' by Law, to all Intents and Purposes; and it was by the same
 ' Act further provided and enacted, that no Banns of Matri-
 ' mony should be published, or Marriages celebrated or solemn-
 ' ized, or Baptisms or Churchings had, by any Person what-
 ' ever, within any Church or Chapel of any such separate and
 ' distinct Parish so made by any such Division as aforesaid, or
 ' in any private House therein, or within any such District
 ' Church or Chapel, or in any private House within such
 ' District, nor should any Burials be performed within any
 ' Cemetery appertaining or belonging to any such Church or
 ' Chapel by any Person whatever, except by the Incumbent of
 ' the Church of the Parish or Extra-parochial Place from which
 ' such Parish should have been separated, or some Curate of
 ' such Incumbent, duly licensed in that Behalf, until after the
 ' Death, Resignation, or other Avoidance of the Spiritual Per-
 ' son who shall be the Incumbent of the Church of the Parish
 ' or Extra-parochial Place at the Time of the Consecration of
 ' any such Church or Chapel of any such separated Parish or
 ' District Parish; and from and after the Death, Resignation,
 ' or other Avoidance of the then Incumbent, to be certified
 ' under and according to the Provisions of that Act, Banns of
 ' Matrimony might be published, and Marriages celebrated
 ' and solemnized, and Baptisms, Burials, and Churchings had,
 ' within the Church or Chapel of any such separated Parish or
 ' District Parish, provided the same were respectively pub-
 ' lished, celebrated, solemnized, and had according to the Law
 ' and Canons in force within the Realm in that Behalf; and
 ' all such Banns as should be published, and also all and every
 ' such Marriage and Marriages as should be celebrated and
 ' solemnized, in any such Church or Chapel, after the Entries,
 ' under and according to the Provisions of that Act, of the
 ' Notification, under the Hand and Seal of the Bishop of the
 ' Diocese, of the Death, Resignation, or other Avoidance of
 ' the Incumbent of the Church of the Parish or Extra-paro-
 ' chial Place, should be as good, valid, and effectual, to all
 ' Intents and Purposes, as if the same were published, cele-
 ' brated, and solemnized in the Church of the Parish or Extra-
 ' parochial Place in which the same should be situate: And
 ' whereas the said Commissioners having made a Represen-
 ' tation

' tation to His late Majesty King *William* the Fourth in Council,
 ' stating that when the last Census was taken the Parish of
 ' *Winterbourne* in the County of *Gloucester* and Diocese of *Bristol*
 ' contained a Population of Two thousand eight hundred and
 ' eighty-nine Persons, and that there was, besides the Parish
 ' Church which afforded Accommodation to Five hundred
 ' Persons, One Chapel in the said Parish, which was situated
 ' at *Frenchay* in the Tithing of *Hambrook*, and was called the
 ' Chapel of *Saint John the Baptist*, and which had been recently
 ' consecrated, and in which Divine Service was regularly per-
 ' formed, and which afforded Accommodation for Eight hundred
 ' Persons, including Five hundred Free Seats for the Use of the
 ' Poor; and also stating, that, having taken into consideration
 ' all the Circumstances attending the same Parish, it appeared
 ' to them to be expedient that the said Parish should be divided
 ' into Two distinct and separate Parishes under the Sixteenth
 ' Section of the said Act passed in the Fifty-eighth Year of the
 ' Reign of His Majesty King *George* the Third (being the first
 ' before-mentioned Enactment of such Act), and that the said
 ' Parishes should be named respectively the Parish of *Winter-*
 ' *bourne* and the Parish of *Saint John the Baptist, Frenchay*, and
 ' that the said Chapel at *Frenchay* should be the Parish Church
 ' of the said Parish of *Saint John the Baptist, Frenchay*, with
 ' certain Boundaries in such Representation set forth; and also
 ' stating, that the whole of the Glebe Land lying within the
 ' Parishes of *Winterbourne* and *Saint John the Baptist, Frenchay*,
 ' would belong to the Parish of *Winterbourne*, that the Tithes
 ' arising from the Lands specified in the Schedule thereunto
 ' annexed, and valued at One hundred and seventy-six Pounds
 ' Ten Shillings *per Annum*, and being One Sixth of the Tithes
 ' of the then existing Parish of *Winterbourne*, would belong to
 ' the Parish of *Saint John the Baptist, Frenchay*, that there were
 ' no Moduses or other Endowments arising in the said Parish
 ' of *Winterbourne*, that it was estimated that the Value or Pro-
 ' duce of Fees, Oblations, Offerings, and other Ecclesiastical
 ' Dues, which then arose in the said Parish of *Saint John the*
 ' *Baptist, Frenchay*, were less by One Half than those which
 ' arose in the Parish of *Winterbourne*, but would probably in-
 ' crease; and also stating that the Consents of the Lord Bishop
 ' of *Bristol*, and of the Presidents and Scholars of *Saint John*
 ' *Baptist College* in *Oxford*, the Patrons of the Parish Church of
 ' *Winterbourne*, had been obtained, as required by the above-
 ' mentioned Enactment of the said Act of the Fifty-eighth Year
 ' of His Majesty King *George* the Third, and His said Majesty
 ' having taken the said Representation, together with a Map
 ' thereunto annexed, into consideration, was pleased, by and
 ' with the Advice of His Privy Council, to approve thereof, and
 ' to order that the proposed Division should be accordingly
 ' made and effected agreeably to the Provisions of the said
 ' Acts: And whereas the said Chapel of *Frenchay* was con-
 ' secrated on the Twenty-first Day of *August* One thousand
 ' eight hundred and thirty-four, at which Time the Reverend
 ' *John*

‘ *John Crosby Clark*, Batchelor of Divinity, was the Rector of
 ‘ the said original Parish Church of *Winterbourne* : And whereas
 ‘ the Order in Council before set forth bears Date the Twenty-
 ‘ seventh Day of *May* One thousand eight hundred and thirty-
 ‘ six : And whereas the said Reverend *John Crosby Clark*
 ‘ resigned his said Living shortly after the Consecration of the
 ‘ said Chapel of *Frenchay*, and before the Date of the said
 ‘ Order in Council, and thereupon the Reverend *William*
 ‘ *Birkett Allen*, Doctor in Civil Law, was presented by the said
 ‘ President and Scholars of *Saint John Baptist College* in *Oxford*
 ‘ to the Rectory of *Winterbourne* : And whereas it has been
 ‘ considered, that in the Provision in the said Act of Parliament
 ‘ that no Division of any Parish into distinct Parishes shall
 ‘ completely take effect until after the Death, Resignation, or
 ‘ other Avoidance of the existing Incumbent of the Parish to
 ‘ be divided, the Word “existing” had reference to the Time
 ‘ of the Consecration of the said Chapel of *Frenchay*, and not
 ‘ to the Date of the said Order in Council ; and it has there-
 ‘ fore been considered that the Division of the said original
 ‘ Parish of *Winterbourne* into Two distinct Parishes became
 ‘ complete for all Purposes-immediately upon the said Order in
 ‘ Council having been made, and accordingly the President and
 ‘ Scholars of *Saint John Baptist College* in *Oxford*, as the Patrons
 ‘ of the Parish Church of *Frenchay*, on the Third Day of *April*
 ‘ One thousand eight hundred and thirty-nine, presented the
 ‘ Reverend *Thomas Chandler Curties* to the Rectory of *Saint*
 ‘ *John the Baptist, Frenchay*, and the said *Thomas Chandler*
 ‘ *Curties* was thereupon duly instituted to the same Rectory ;
 ‘ and the said *Thomas Chandler Curties* having afterwards resigned
 ‘ such Living, the said President and Scholars of *Saint John*
 ‘ *Baptist College* in *Oxford* presented the Reverend *John Carter*
 ‘ to the same Rectory, who was duly instituted thereto, and is
 ‘ now considered to be and officiates as the Rector of the Parish
 ‘ Church of *Saint John the Baptist, Frenchay* ; and from the Date
 ‘ of the said Order in Council until the Presentation of the said
 ‘ *Thomas Chandler Curties* to the Rectory of *Saint John the Baptist,*
 ‘ *Frenchay*, the Tithes by such Order in Council appropriated to
 ‘ the Parish of *Saint John the Baptist, Frenchay*, were received
 ‘ by the former Curate of the said Chapel of *Frenchay*, and
 ‘ since the Presentation of the said *Thomas Chandler Curties*
 ‘ to the same Rectory such Tithes have been received by him
 ‘ and the said *John Carter* during their respective Incumbencies,
 ‘ and from the Date of the said Order in Council Banns of
 ‘ Marriage have been published, and Marriages celebrated or
 ‘ solemnized, and Baptisms and Churchings had, within the
 ‘ said Parish Church of *Saint John the Baptist, Frenchay*, and
 ‘ in private Houses within the said Parish of *Saint John the*
 ‘ *Baptist, Frenchay*, and Burials have been performed within the
 ‘ Cemetery appropriated or belonging to such Church, by the
 ‘ said *Thomas Chandler Curties* and *John Carter*, and divers other
 ‘ Clergymen, only a small Proportion thereof having been pub-
 ‘ lished, celebrated, solemnized, or performed by the Incumbent
 ‘ of

‘ of the said original Parish Church of *Winterbourne*, or his
 ‘ Curate duly licensed in that Behalf: And whereas it is expedient, in order that there may not exist any Question as to the
 ‘ Validity of such of the said Banns, Marriages, Baptisms,
 ‘ Churchings, and Burials as were not published, celebrated,
 ‘ solemnized, or performed by the Incumbent of the said
 ‘ original Parish Church of *Winterbourne*, or his Curate duly
 ‘ licensed in that Behalf, or as to any similar Banns, Marriages,
 ‘ Baptisms, Churchings, and Burials which may be published,
 ‘ celebrated, solemnized, or performed hereafter, and in order
 ‘ for every other Purpose to remove all Doubt as to whether
 ‘ the said original Parish Church of *Winterbourne* was completely
 ‘ divided into Two distinct Parishes immediately upon the said
 ‘ Order in Council being made, to enact,’ and be it therefore
 enacted by the Queen’s most Excellent Majesty, by and with
 the Advice and Consent of the Lords Spiritual and Temporal,
 and Commons, in this present Parliament assembled, and by
 the Authority of the same, That the Division of the said original
 Parish of *Winterbourne* into the said Two distinct Parishes of
Winterbourne and *Saint John the Baptist, Frenchay*, shall, as well
 for past as for future Purposes, be deemed and taken to have
 completely taken effect from the Date of the said Order in
 Council.

Division of
 Parish of *Winterbourne* to be
 deemed to have
 been effected
 from Date of
 the Order in
 Council.

CAP. XLIII.

An Act to continue until the Thirty-first Day of
December One thousand eight hundred and forty-
 two, and until the End of the then next Session of
 Parliament, an Act of the Tenth Year of King
George the Fourth, for providing for the Govern-
 ment of His Majesty’s Settlements in *Western Aus-
 tralia* on the Western Coast of *New Holland*.

[21st June 1841.]

‘ **W**HEREAS an Act was passed in the Tenth Year of the
 ‘ Reign of His late Majesty King *George* the Fourth,
 ‘ intituled *An Act to provide, until the First Day of December* 10 G. 4. c. 22.
 ‘ *One thousand eight hundred and thirty-four, for the Government*
 ‘ *of His Majesty’s Settlements in Western Australia on the Western*
 ‘ *Coast of New Holland*: And whereas the said Act has been 1 & 2 Vict. c. 46.
 ‘ continued by several subsequent Acts; and by an Act passed
 ‘ in the First and Second Years of the Reign of Her present
 ‘ Majesty the same was continued until the Thirty-first Day
 ‘ of *December* One thousand eight hundred and forty-one, and
 ‘ until the End of the then next Session of Parliament; and it
 ‘ is expedient that the said Act should be further continued;’
 be it therefore enacted by the Queen’s most Excellent Majesty,
 by and with the Advice and Consent of the Lords Spiritual
 and Temporal, and Commons, in this present Parliament
 [No. 22. *Price 2d.*] Y assembled,

Recited Act
10 G. 4. c. 22.
further con-
tinued.

assembled, and by the Authority of the same, That the said recited Act passed in the Tenth Year of the Reign of His said late Majesty shall be further continued until the Thirty-first Day of *December* One thousand eight hundred and forty-two, and until the End of the then next Session of Parliament.

CAP. XLIV.

An Act to continue until the Thirty-first Day of *December* One thousand eight hundred and forty-two, and from thence until the End of the next ensuing Session of Parliament, certain Acts for providing for the Administration of Justice in *New South Wales* and *Van Diemen's Land*, and for the more effectual Government thereof.

[21st June 1841.]

9 G. 4. c. 83.

2 & 3 Vict. c. 70.
3 & 4 Vict. c. 62.

The first-recited
Act, and Parts
of the other
Acts, continued.

‘ **W**HEREAS an Act was passed in the Ninth Year of the Reign of King *George* the Fourth, intituled *An Act to provide for the Administration of Justice in New South Wales and Van Diemen's Land, and for the more effectual Government thereof, and for other Purposes relating thereto*: And whereas the said Act hath since been continued, with certain Amendments, by Acts for that Purpose passed in the Second and Third and in the Third and Fourth Years of the Reign of Her present Majesty: And whereas the said Act of the Ninth Year of the Reign of His said late Majesty will shortly expire, and so much of the said recited Acts passed in continuance and amendment thereof as are of temporary Duration will also shortly expire, and it is expedient to continue the said first-recited Act, and also to continue so much and such Parts of the said other recited Acts as are of temporary Duration:’ Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Act of the Ninth Year of the Reign of His said late Majesty, and so much and such Parts of the Acts so passed as aforesaid in the Reign of Her present Majesty in continuance and amendment thereof as are of temporary Duration, shall continue to be in force until the Thirty-first Day of *December* One thousand eight hundred and forty-two, and from thence until the End of the next ensuing Session of Parliament.

CAP. XLV.

An Act to amend an Act passed in the Third and Fourth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to amend the Laws relating to Sewers.*

114/22/c/112

[21st June 1841.]

' **WHEREAS** an Act was passed in the Twenty-third Year 23 H. 8. c. 5.
 ' of the Reign of His Majesty King *Henry* the Eighth,
 ' concerning Commissions of Sewers to be directed into all
 ' Parts within the then Realm of *England*, including the
 ' Principality of *Wales*, in the Manner, and according to
 ' the Form, Tenor, and Effect in the said Act set forth, and
 ' which said Act was made perpetual by an Act passed in
 ' the Third and Fourth Years of the Reign of His Majesty
 ' King *Edward* the Sixth, intituled *An Act for the Continuance* 3 & 4 Ed. 6. c. 8.
 ' *of the Statute of Sewers*, and was amended and altered by an
 ' Act passed in the Thirteenth Year of the Reign of Her Ma-
 ' jesty Queen *Elizabeth*, intituled *An Act for the Commission of* 18 Eliz. c. 9.
 ' *Sewers*, and was also amended by an Act passed in the
 ' Third and Fourth Years of His late Majesty King *William*
 ' the Fourth, intituled *An Act to amend the Laws relating to* 3 & 4 W. 4. c. 22.
 ' *Sewers*: And whereas by the last-recited Act certain Pay-
 ' ments and Recompences to Clerks and other Persons em-
 ' ployed by the Court, and also to Witnesses, and also cer-
 ' tain Costs, Charges, and Expences to be incurred in sur-
 ' veying, measuring, planning, and valuing any Lands and
 ' Hereditaments, or otherwise preparatory to or in or about
 ' the making, collecting, and expending certain Taxes, Rates,
 ' and Scots to be raised under or by virtue of the said recited
 ' Acts, or any or either of them, or the hearing of Objections
 ' to such Taxes, Rates, or Scots, or in or about the carrying
 ' on of any Litigation or Controversy arising out of the Duties
 ' imposed on the Courts of Sewers by virtue of the said
 ' recited Acts, and for the Payment of all other necessary Al-
 ' lowances, Charges, and Expences of putting the said several
 ' recited Acts into execution, and the contingent Expences of
 ' working the Commission of Sewers, are authorized and di-
 ' rected to be paid and allowed out of the said Taxes, Rates,
 ' and Scots, but the Powers in some Cases are not found
 ' sufficient to make, assess, or levy any Taxes, Rates, or Scots
 ' which could or might be applied to the several Purposes afore-
 ' said, or any of them; and it is expedient that sufficient Power
 ' should be given to the Courts of Sewers for that Purpose:
 ' May it therefore please Your Majesty that it may be enacted;
 ' and be it enacted by the Queen's most Excellent Majesty, by
 ' and with the Advice and Consent of the Lords Spiritual and
 ' Temporal, and Commons, in this present Parliament assembled,
 ' and by the Authority of the same, That it shall be lawful for
 ' any Court of Sewers, for all or any of the Purposes aforesaid,
 ' but Courts of Sewers em-
powered to raise Money by Tax.

but for no other Purpose whatsoever, from Time to Time, as often as Occasion shall require, to tax in the Gross, in each Parish, Township, or Place, such Lands and Hereditaments which heretofore have been or hereafter shall be within or partly within the Jurisdiction of such Court, but so that such Lands and Hereditaments shall contribute thereto in proportion to the Benefit and Advantage received, or capable to be received, from the said Court, as compared with the Lands and Hereditaments of the other Parishes, Townships, or Places within such Jurisdiction, which said Tax shall be denominated the General Sewers Tax, and shall be recovered and recoverable by Distress and Sale in like Manner and by all such Ways and Means as any Fine or Amerciament imposed on a Parish or Township by a Court of Sewers is now by Law recoverable; but no Distress for such General Sewers Tax shall be replevied by any Sheriff, Under Sheriff, Judge, or Court of Law or Equity whatsoever.

Courts of Sewers may order the Apportionment and Collection of the Tax.

II. And be it enacted, That it shall and may be lawful for any Court of Sewers to direct and authorize any Surveyor or other Person to apportion such General Tax among the Occupiers of the Lands and Hereditaments in each such Parish, Township, or Place which heretofore have been or hereafter shall be within or partly within the Jurisdiction of such Court of Sewers, in such Proportions and upon such Individuals as of right ought to pay the same; and such Tax, when so apportioned, shall be collected by some Person as shall be appointed by the Court for that Purpose, and shall be by such Person paid over to the Treasurer of or other Officer appointed by the Commissioners of Sewers at such Time as the Court of Sewers shall direct; provided that every Occupier upon whom such General Sewers Rate shall be apportioned shall have Notice in Writing of such Apportionment Ten Days at the least before the next Court of Sewers to be held within the Limits in which the Lands and Hereditaments to be taxed shall be.

General Sewers Tax and Apportionment to be final, if not complained against at the next Court.

III. And be it enacted, That in case no Complaint shall be made against such general or apportioned Sewers Tax at the Court of Sewers held next after the Expiration of Ten Days after such Notice of Apportionment shall be made as aforesaid, such General Sewers Rate, and such Apportionment thereof, shall respectively be final and conclusive on all Parties whomsoever; but in case of any Complaint of Inequality or Non-liability to pay the said General Sewers Rate, or such Apportionment thereof respectively, the Commissioners shall at such Court, or at some Adjournment thereof, or at some subsequent Court, proceed to investigate the same, by the Examination of such Witnesses as the Parties interested therein shall produce, or by the Examination of such other Witnesses as to the said Court shall seem right; and the Decision of such Court as regards such General Sewers Rate and such Apportionment thereof respectively shall be final; and such apportioned Rate shall be recoverable by Distress and Sale of the Effects of the Persons respectively rated, by Warrant under the Hands and
Seals

Seals of Six of the Commissioners of Sewers, but no Distress for such apportioned Rate shall be replevied by any Sheriff, Under Sheriff, Judge, or Court of Law or Equity whatever; nevertheless the Court of Sewers shall be empowered to direct any feigned Issue, Appeal, or Action at Law, to try any Dispute which may arise as to the Inequality, or Non-liability of any Person to pay the said General Sewers Tax, or the said Apportionment thereof, the Person so objecting to the Payment thereof having first given Security to the said Court for the Payment of all Costs and Charges attendant thereon.

IV. ' And whereas certain Payments, Allowances, and Expences authorized by the said recited Act of His said late Majesty King *William* the Fourth may have been and may be made and incurred before any General Sewers Rate can be recovered;' be it therefore enacted, That it shall and may be lawful for Courts of Sewers from Time to Time to borrow and take up at Interest any Sum or Sums of Money for the several Purposes aforesaid, or any of them; and the Repayment of such Sum and Sums of Money, with Interest, shall from Time to Time be secured to the Parties or Party lending the same, their, his, or her Executors, Administrators, and Assigns, upon or by virtue of a Decree or Ordinance under the Hands and Seals of the Commissioners of Sewers, or any Six of them, (which Decree and Ordinance the said Court is hereby required to make,) charging the General Sewers Rates, or any of them, to be raised under and by virtue of this Act, with the Payment of such Sum and Sums of Money, with Interest: Provided always, that it shall be provided, expressed, and declared in and by the said Decree and Ordinance that the Sum or Sums of Money so borrowed and taken up as aforesaid shall be repaid within a Time to be named in such Decree or Ordinance, not being a longer Period than Seven Years from the making thereof, by equal annual or shorter Instalments, together with the Interest on the Sum or Sums so borrowed or taken up, or on such Part thereof as shall from Time to Time remain due and unpaid; and the said last-mentioned Decree or Ordinance shall be and remain in full Force and Effect until such Sum and Sums of Money, and all Interest thereon, shall have been fully paid and satisfied; any thing in the said recited Acts or this Act contained, or any Custom or Usage, to the contrary notwithstanding.

Power to borrow and take up Money at Interest for general Purposes.

Provision for Repayment.

V. And for facilitating the raising, securing, and paying off from Time to Time of the Monies which it may be necessary so to raise and borrow as aforesaid, be it enacted, That it shall and may be lawful for any Court of Sewers from Time to Time to grant Securities, in the Form of a Certificate, under the Hands and Seals of Six of the Commissioners, to each Person who shall so advance any Sum of Money as aforesaid, setting forth the Amount of the Sum borrowed, the Rate of Interest payable for the same, the Periods at which the said Principal Money shall be decreed to be paid off by Instalments, and the particular General Sewers Rate which is to be charged with

Courts of Sewers may grant Securities to Persons advancing Money.

or their Hands, to appoint a Court or Meeting of such Commissioners to be holden at such Time and Place as he or they may think fit, of which Court or Meeting Ten clear Days Notice shall be given by Advertisement inserted in some Newspaper circulated in the County into which such Commission shall run, and when the same shall run into more than One County, then in some Newspaper circulated in each of such Counties, and that the Majority of Commissioners present at any Court or Meeting (notwithstanding the whole Number present be less than Six) may adjourn and are hereby authorized and empowered to adjourn the same respectively to any future Day and to such Place as to them may seem fit, and that the Commissioners present at any Court or Meeting so appointed as aforesaid, or at any such adjourned Court or Meeting as aforesaid (the whole Number present not being less than Six), or the Majority of them, shall and may exercise and perform all the Powers, Authorities, and Duties vested in such Commissioners under or by virtue of any Commission of Sewers.

Saving Powers of Courts of Sewers under recited Acts.

XIII. And be it enacted, That nothing in this Act contained shall prevent any Court of Sewers from executing all or any of the Powers and Provisions usually heretofore exercised under or by virtue of the said recited Acts, or any or either of them, or the Law of Sewers of old Time accustomed.

Indemnities, &c. of 3 & 4 W. 4. c. 22. extended to this Act.

XIV. And be it enacted, That all Indemnities, Immunities, and Liabilities given to or imposed upon Commissioners of Sewers and other Persons in and by the said recited Act, passed in the Third and Fourth Years of His said late Majesty King *William* the Fourth, shall be deemed and construed to extend to all Persons acting in the Execution of this Act.

This Act not to prejudice any Local Act.

XV. And be it enacted, That nothing in this Act contained shall extend or be construed to extend to affect, alter, abridge, or interfere with any Local or Private Act of Parliament for Sewers concerning any County, City, Town, District, Lands, or Limits, or any Commission of Sewers in the County of *Middlesex*, within the Distance of Ten Miles from the *Royal Exchange* in the City of *London*, except such Parts of the said County as may lie within any Commission of Sewers for the County of *Essex*; or to affect, alter, abridge, or interfere with any Navigable River, Canal, Port, or Harbour under the Management or Power of any Commissioners, Trustees, or Proprietors by virtue of any Local or Private Act of Parliament; or to affect, alter, abridge, or interfere with any Charter, Law, Usage, or Custom in or concerning *Romney Marsh* in *Kent*, or the Great Level of the Fens called *Bedford Level*, or any Lands, Banks, Waters, Watercourses, Sluices, Bridges, Drains, or Works belonging to or under the Jurisdiction, Power, or Control of the Commissioners of the North Level and *Portsand*, in the Counties of *Cambridge*, *Northampton*, and *Lincoln*, or of the Commissioners of the *Nene* Outfall in the Counties of *Cambridge*, *Lincoln*, and *Norfolk*, or of their Committees respectively.

Saving the Rights of the City of London.

XVI. And be it enacted, That nothing in this Act contained shall extend or be construed to extend to repeal or in anywise affect,

affect, alter, abridge, or interfere with the Commissioners of Sewers of the City of *London* and Liberties thereof, or the Rights, Powers, or Privileges of the Mayor and Commonalty and Citizens of the City of *London*, in relation to the Sewers, Drains, Vaults, and Bridges within the said City or Liberties, or any Act or Acts heretofore passed for making, amending, defending, widening, altering, or cleansing the said Sewers, Drains, Vaults, and Bridges within the said City and Liberties.

XVII. Provided always, and be it enacted, That nothing in this Act contained shall prejudice, diminish, alter, limit, interfere with, take away, control, or suspend, or be held or construed to prejudice, diminish, alter, limit, interfere with, take away, control, or suspend, any of the Rights, Privileges, Jurisdictions, Powers, and Authorities vested in or belonging to the Commissioners of Sewers for the City and Liberty of *Westminster* and Part of the County of *Middlesex*, but that all such Rights, Privileges, Jurisdictions, Powers, and Authorities shall be as good, valid, and effectual as if this Act had not been passed.

Guarding the Powers of the Commissioners of Sewers for Westminster, &c.

XVIII. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to abridge, invalidate, lessen, or diminish, alter or take away, any of the Rights, Powers, Privileges, and Authorities vested in the Governor, Bailiffs, and Commonalty of the Company of Conservators of the Great Level of the Fens called *Bedford Level*, or in the Governor, Bailiffs, and Conservators of the *Bedford Level Corporation*, by virtue of an Act passed in the Fifteenth Year of the Reign of King *Charles* the Second, intituled *An Act for settling the Drainage of the Great Level of the Fens called Bedford Levels*, or by any other Act, Statute, or Charter, Law of Sewers, or otherwise howsoever; but that all Rights, Powers, and Authorities which are now vested in the said Governor, Bailiffs, and Commonalty, or in the said Governor, Bailiffs, and Conservators, and in every or any of them, shall for ever hereafter remain, continue, and be in the said Governor, Bailiffs, and Commonalty, and in the said Governor, Bailiffs, and Conservators, and every of them, as fully and amply to all Intents and Purposes as if this Act had not been passed.

Saving Rights of Bedford Level Corporation.

CAP. XLVI.

An Act to empower the Commissioners for the Issue of Exchequer Bills for public Works to complete the Works authorized to be made by an Act of the Sixth and Seventh Year of His late Majesty King *William* the Fourth, "for improving the Navigation and Harbour of *Tralee* in the County of *Kerry*;" and to extend the Time for that Purpose.

788/1299

[21st June 1841.]

‘ WHEREAS an Act was passed in the Ninth Year of the
 ‘ Reign of His late Majesty King *George* the Fourth,
 ‘ intituled *An Act for making and maintaining a navigable Cut* 9 G. 4. c. cxviii.

‘ or

‘ or Canal from a Point at or near the Black Rock in the Harbour
 ‘ of Tralee in the County of Kerry to Croompanrickard near
 ‘ the Town of Tralee in the said County, and for otherwise improv-
 ‘ ing the said Harbour of Tralee, whereby certain Persons were
 ‘ incorporated, and were created One Body Corporate, by the
 ‘ Name and Style of “The Commissioners of the Harbour
 ‘ of Tralee,” for the Purposes of erecting, making, and com-
 ‘ pleting the said Canal and the other Works by such Act
 ‘ authorized and required: And whereas it was by the said
 ‘ recited Act enacted, that in case the said Canal and the
 ‘ other Works in and by the said Act authorized and required
 ‘ should not have been completed and made in the Space of
 ‘ Eight Years, to be computed from the passing thereof, then and
 ‘ from thenceforth all the Powers, Authorities, and Privileges
 ‘ given by the said Act should cease and determine, save only
 ‘ and except as to so much (if any) of the intended Canal, Basin,
 ‘ Dock, Harbour, and other Works thereinmentioned as should
 ‘ have been declared and certified to have been completed
 ‘ within the said Term by the Justices of the Peace for the
 ‘ County of Kerry assembled at any Quarter Sessions of the
 ‘ Peace to be holden in and for the said County at any Time
 ‘ before the Expiration of the said Term of Eight Years, or
 ‘ within Six Calendar Months next after the Expiration
 ‘ thereof: And whereas another Act was passed in the Sixth
 ‘ and Seventh Years of the Reign of His late Majesty King
 ‘ William the Fourth, intituled *An Act to extend the Time*
 ‘ *limited by an Act passed in the Ninth Year of the Reign of His*
 ‘ *late Majesty King George the Fourth for improving the Naviga-*
 ‘ *tion and Harbour of Tralee in the County of Kerry,* whereby,
 ‘ after reciting that the said Commissioners had proceeded in
 ‘ the Execution of the said recited Act, and had made great
 ‘ Progress in the cutting, making, forming, and completing
 ‘ the said Canal, and other the Works in and by the said Act
 ‘ authorized to be made, and had entered into Contracts in
 ‘ relation to the same, but in order to complete the said Canal
 ‘ and other the Works contemplated by the said Act it was
 ‘ necessary that further Time should be granted for that Pur-
 ‘ pose, it was enacted, that the Time limited by the said first-
 ‘ recited Act for the Completion of the said Canal and the
 ‘ Works authorized to be made under the said first-recited Act
 ‘ should be and the same was thereby extended for the further
 ‘ Term of Five Years; but by the said Act now in recital it
 ‘ was provided and further enacted, that in case the said Canal
 ‘ and other Works authorized by the said first-recited Act to be
 ‘ made should not be made and completed within the said
 ‘ Term of Five Years, to be computed from the passing of the
 ‘ Act now in recital, then from and after the Expiration of
 ‘ the said Term of Five Years all Powers, Authorities, and
 ‘ Privileges by the said recited Act given to or conferred upon
 ‘ the said Commissioners for making such Canal, and the
 ‘ several Works, Matters, and Things belonging thereto or
 ‘ connected therewith, should cease and determine, save only
 ‘ and

6 & 7 W. 4.
c. cxiv.

' and except as to so much of the said Canal and other Works
 ' as should have been declared and certified to have been com-
 ' pleted within the said Term by the Justices of the Peace
 ' of the said County of *Kerry* assembled at any Quarter Ses-
 ' sions of the Peace to be holden for the said County at any
 ' Time before the Expiration of the said Term of Five Years,
 ' or within Six Calendar Months next after the Expiration
 ' thereof, upon the Evidence of One or more Witness or Wit-
 ' nesses upon Oath to be produced before them for that Pur-
 ' pose: And whereas in the Year One thousand eight hundred
 ' and thirty-two the said Commissioners of the Harbour of
 ' *Tralee* borrowed of the Commissioners for carrying into
 ' execution the several Acts passed for authorizing the Issue
 ' of Exchequer Bills and Advance of Money for carrying on
 ' public Works and Fisheries, and Employment of the Poor,
 ' and particularly an Act passed in the Sixth Year of the Reign
 ' of His late Majesty King *George* the Fourth, intituled *An* 6 G. 4. c. 35.
 ' *Act to render more effectual the several Acts for authorizing*
 ' *Advances for carrying on public Works, so far as relates to Ire-*
 ' *land, the Sum of Six thousand Pounds, and for securing the*
 ' *Repayment thereof, with Interest, by the Instalments, at*
 ' *the Times, and in manner mentioned in the Indenture of*
 ' *Mortgage herein-after recited, the said Commissioners of the*
 ' *Harbour of Tralee* executed to the Secretary of the said
 ' Commissioners for the Issue of Exchequer Bills a Mortgage,
 ' bearing Date the Eighteenth Day of *July* One thousand eight
 ' hundred and thirty-two, of all and every the Rates, Tolls,
 ' Duties, and Receipts, Hereditaments, Chattels, and Property
 ' whatsoever, of or belonging to the said Commissioners of the
 ' Harbour of *Tralee*: And whereas, Default having been made
 ' in payment of certain of the Instalments of Principal and
 ' Interest which had become due on the said Mortgage, the
 ' said Commissioners for the Issue of Exchequer Bills, in pur-
 ' suance of the Powers and Provisions of their said Acts, have
 ' entered into and are now in possession of the Works and
 ' Property of or belonging to the said Commissioners of the
 ' Harbour of *Tralee*; and it is expedient, in order to prevent
 ' the Loss of the Sum of Five thousand four hundred Pounds,
 ' Part of the said Sum of Six thousand Pounds, with the Inte-
 ' rest thereon, by reason of the incomplete State of the said
 ' Canal and other Works by the said first-recited Act autho-
 ' rized or required to be made and executed, that the same
 ' should be completed by the said Commissioners for the Issue
 ' of Exchequer Bills for public Works, but in order thereto
 ' it is necessary that further Time should be granted for that
 ' Purpose: May it therefore please Your Majesty that it may
 ' be enacted; and be it enacted by the Queen's most Excellent
 ' Majesty, by and with the Advice and Consent of the Lords
 ' Spiritual and Temporal, and Commons, in this present Parlia-
 ' ment assembled, and by the Authority of the same, That the
 ' Time limited by the said last-recited Act for the Completion
 ' of the said Canal and other Works by the said first-recited

The Time
 limited by the
 last-recited Act
 for the Exe-
 cution of the
 Act

Works extended
for 3 Years.

Act authorized and required to be made and executed shall be and the same is hereby extended for the further Term of Three Years, to be computed from the Expiration of the said Term of Five Years by the said last-recited Act limited for such Purposes as aforesaid.

The Powers
given by the
first-recited Act
to cease at the
End of the said
Term, save as
to Works cer-
tified by Jus-
tices of Kerry
to have been
completed.

II. Provided always, and be it enacted, That in case the said Canal and other Works by the said first-recited Act authorized to be made and executed shall not be made and completed within the said Term of Three Years, to be computed from the Expiration of the said Term of Five Years by the said last-recited Act limited for such Purposes as aforesaid, then from and after the Expiration of the said Term of Three Years all the Powers, Authorities, and Privileges by the said first-recited Act given to or conferred upon the said Commissioners for making such Canal, and the several Works, Matters, and Things belonging thereto or connected therewith, shall cease and determine, save only and except as to so much of the said Canal and other Works as shall have been declared and certified to have been completed within the said Term by the Justices of the Peace of the said County of *Kerry* assembled at any Quarter Sessions of the Peace to be holden for the said County at any Time before the Expiration of the said Term of Three Years, or within Six Calendar Months next after the Expiration thereof, upon the Evidence of any One or more Witness or Witnesses upon Oath to be produced before them for that Purpose.

CAP. XLVII.

An Act to amend an Act of the last Session, for continuing and amending the Laws for the Relief of Insolvent Debtors in *Ireland*. [21st June 1841.]

3&4 Vict. c. 107.

‘ WHEREAS by an Act passed in the last Session of
‘ Parliament, intituled *An Act to continue and amend the*
‘ *Laws for the Relief of Insolvent Debtors in Ireland*, it was
‘ among other things enacted, that the Commissioners of the
‘ Court for the Relief of Insolvent Debtors in *Ireland* for
‘ the Time being should and might, by One or more Commis-
‘ sion or Commissions under the Seal of the said Court, from
‘ Time to Time as Occasion should require, empower such and
‘ so many fit and proper Persons as they should think necessary,
‘ in all and every the Assize Towns of *Ireland*, to take and re-
‘ ceive all and every the Recognizance and Recognizances of
‘ Sureties into which any Person might be willing to enter
‘ for the due Appearance of Insolvent Debtors, according to
‘ such several and respective Recognizances and in such Form
‘ as the said Court, in pursuance of the said recited Act,
‘ should and might direct and require: And whereas it is just
‘ and expedient that the Persons so empowered and hereafter
‘ to be empowered to take and receive such Recognizances
‘ of Sureties as aforesaid shall be paid a reasonable Compen-
‘ sation

‘sation for the taking and receiving thereof;’ be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act the Person or Persons so empowered or hereafter to be empowered shall, for the taking of every such Recognizance of Sureties, receive the Sum or Fee of Two Shillings and Sixpence, and no more.

A Fee of 2s. 6d. may be charged for taking a Recognizance.

II. And be it enacted, That after any Insolvent shall have filed his Petition and Schedule in the said Court according to the Provisions of the said recited Act, it shall be lawful for the said Court, if it shall so think fit, (notwithstanding that no Order may have yet been made under the said Act directing such Insolvent to be brought up in order to be dealt with according to the Provisions thereof,) to direct such Insolvent to be discharged out of Custody on his finding Two sufficient Sureties to enter into a Recognizance to the Provisional Assignee of the said Court, in such Sum as the said Court shall think fit, with a Condition that such Insolvent shall duly appear at such Time and Place as shall be thereafter fixed by the said Court for the Hearing of the Petition of such Insolvent, and on every adjourned Hearing, and shall abide by the final Judgment of the said Court, or a Commissioner thereof on his Circuit, and on such other Terms, if any, as the said Court shall think fit to impose; and such Recognizance shall be as valid and effectual to all Intents and Purposes, and it shall be lawful for the said Court to do all such Acts, and make all such Orders in relation thereto, and to the Forfeiture thereof, if the same shall be forfeited, as if the Time and Place for the Hearing of the Petition of such Insolvent had been theretofore fixed by the said Court, and specified in the Condition of such Recognizance.

Court may direct an Insolvent, not ordered to be brought up, to be discharged on finding Two Sureties.

III. ‘And whereas it is not just or reasonable that any Insolvent who shall have petitioned according to the Provisions of the said recited Act shall be deprived of the Benefit thereof, by reason of any Order for his Discharge given by his detaining Creditor or Creditors without the Will or Consent of such Insolvent;’ be it therefore enacted, That if at any Time after the filing of the Petition of any such Insolvent, and previous to the final Adjudication of the said Court in the Matter of such Petition, any Order of Discharge shall be given by any detaining Creditor or Creditors of such Insolvent (whether such Insolvent shall be then in actual Custody, or at large on Recognizance of Sureties), such Order of Discharge shall be void and of no Effect, if such Insolvent shall, on the same being notified to him, forthwith signify to the Gaoler in that Behalf his Desire that such Order of Discharge shall be so void; and in such Case such Insolvent shall and may be brought up, or duly appear, (as the Case may be,) to be dealt with according to the Provisions of the said recited Act, to all Intents

Order of detaining Creditor for Discharge of Insolvent shall be void, if the Insolvent shall signify to the Gaoler his Desire to that Effect.

and

and Purposes as if no such Order of Discharge had been given by such detaining Creditor or Creditors as aforesaid.

Provision for taking Bail while Commissioners are absent on Circuit or during Ad-journments.

IV. ' And whereas Provision is made in and by the said
' recited Act for the occasional Absence of the Two Commis-
' sioners of the said Court on Circuit at different Places at
' the same Time, and for the Adjournment of the said Court
' for that Purpose, and also for the occasional Adjournments
' of the said Court during the Period between the last Day
' of *Trinity* Term and the First Day of *November* in every
' Year: And whereas it is expedient that any Insolvent who
' shall have petitioned the said Court for Relief according
' to the Provisions of the said recited Act shall not, by
' reason of any such Absence or Adjournment as aforesaid,
' be delayed in obtaining his Discharge out of Custody on
' his finding such Sureties to enter into such Recognizance
' as in the said recited Act or in this Act is mentioned; be
it therefore enacted, That if the said Two Commissioners of the said Court shall at any Time be so absent as aforesaid from the said Court on Circuit at different Places at the same Time, or if the said Court shall at any Time be adjourned, in pursuance of the Provisions of the said recited Act, during the said Period between the last Day of *Trinity* Term and First Day of *November* in any Year, it shall be lawful for any fit Person, being a Barrister-at-Law, and appointed by the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, to execute the Duties and Functions of such Commissioners during such Absence or Adjournment, so far as such Duties and Functions relate to the directing any Insolvent to be discharged out of Custody, on his finding such Sureties to enter into such Recognizance as in the said recited Act or this Act is mentioned; and that all Things done according to the Provisions of the said recited Act or of this Act by such Person so appointed as aforesaid during such Absence or Adjournment, so far as the same shall relate to the directing such Discharge of any Insolvent out of Custody as aforesaid, shall be good and valid to all Intents and Purposes as if the same had been done by the said Commissioners of the said Court or either of them: Provided always, that it shall be lawful for the said Commissioners or either of them, being present in *Dublin*, to execute all such Duties and Functions as aforesaid during any Adjournment of the said Court.

Act may be amended, &c.

V. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

CAP. XLVIII.

An Act to render certain Municipal Corporations rateable to the Relief of the Poor in certain Cases.

[21st June 1841.]

‘ WHEREAS the Municipal Corporations of Cities and Boroughs named in the Schedules (A.) and (B.) annexed to the Act passed in the Sixth Year of the Reign of King William the Fourth, to provide for the Regulation of Municipal Corporations in *England* and *Wales*, have been held not to be liable by Law to be rated to the Relief of the Poor in respect of any Lands, Tenements, and Hereditaments being the Properties and in the Occupation of such Municipal Corporations, by reason that the Income arising therefrom is applicable to public Purposes only; and it is expedient that such Municipal Corporations should nevertheless in some Cases be rateable and be rated to the Relief of the Poor in respect of such Property:’ Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Municipal Corporations named in the said Schedules shall, from and after the passing of this Act, be rateable and be rated to the Relief of the Poor in respect of Lands, Tenements, and Hereditaments being the Property and in the Occupation of such Municipal Corporations, as if such Lands, Tenements, and Hereditaments were not Corporate Property, any Law, Usage, or Custom to the contrary notwithstanding: Provided always, that where such Property lies in any Parish which is situate wholly within the Boundaries and Limits of a City or Borough named in the said Schedules, and in which City or Borough the Poor are relieved by one entire Poor Rate, or in which City or Borough the Poor within the Boundaries or Limits thereof as existing for Municipal Purposes at the Time of passing the said Act were then relieved by one entire Poor Rate, the Exemption of such Property from Rateability shall continue as if this Act had not passed.

Certain Municipal Corporations rated to the Poor.

II. And be it enacted, That any of the said Municipal Corporations, being in the Occupation of such Lands, Tenements, and Hereditaments as are herein-before described, shall be deemed and taken to be beneficial Occupiers thereof, for all the Purposes of rating, as if such Occupation was for their own private Advantage, and not for any public Purposes or Purpose, and shall be liable to be rated as such Occupiers by their Corporate Style and Title.

The said Corporations to be deemed beneficial Occupiers.

CAP. XLIX.

An Act to provide for repairing, improving, and rebuilding County Bridges. [21st June 1841.]

‘ WHEREAS the Expence of maintaining, altering, widening, repairing, improving, and rebuilding County Bridges, and Approaches thereto, is in some Instances considerable, and it is expedient that the Money required for that Purpose should, in certain Cases, be borrowed on Security of the County Rate:’ Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That when it shall appear to the Justices assembled at any General or Quarter Sessions of the Peace to be holden at any Time after the passing of this Act in any County, Riding, or Division in *England or Wales*, that the Amount of any Estimate approved by the said Justices for the upholding, maintaining, supporting, altering, widening, repairing, improving, or rebuilding of any County Bridge or Bridges, or the Approaches thereto, or the Land Arches connected therewith, which any County is legally bound to repair or maintain, shall exceed One Fourth of the Amount of the ordinary annual Assessment for the Rate of any County, Riding, or Division (such ordinary Assessment to be taken on an Average of such Rate for the last Seven Years preceding), it shall be lawful for the Justices in Quarter Sessions assembled from Time to Time to borrow and take up on Mortgage of such Rate, by Instrument in the Form contained in the Schedule to this Act annexed marked (A.), or to the like Effect, any Sum of Money not exceeding the Amount of such Estimate, in Sums not less than Fifty Pounds each, at Interest, as to the said Justices shall appear necessary and expedient for the Purposes aforesaid, and to secure every such Sum of Money so borrowed upon the Credit of the said Rate; and it shall and may be lawful for the Justices so assembled, and they are hereby authorized, to treat and agree with any Person for the Loan of any such Sums of Money, and by their Order to confirm every such Agreement; and every such Agreement, signed by the Chairman and Two or more other Justices present at the Time of making such Order, shall be and the same is hereby declared to be effectual for securing every Sum of Money so advanced, with Interest thereon, to the Person or Persons advancing the same, on such Terms as in and by such Agreement shall be stipulated; and Copies or Extracts of all such Agreements shall be kept by the Clerk of the Peace; and it shall and may be lawful for every Person who shall be entitled to the Money thereby secured, and such Person is hereby empowered, by endorsing his Name on the Back of such Security, to transfer the same, and his Right to the Principal Money and Interest thereby secured, unto any other Person;

and

Justices at Sessions may borrow Money for repairing County Bridges on the Credit of the County Rate.

Justices may agree with Persons for Loans.

Copies of Agreements to be kept by the Clerk of the Peace.

and every such Assignee may in like Manner transfer the same again, and so *toties quoties*; and the Person to whom such Security, or any such Assignment thereof, shall be made, and his Executors, Administrators, and Assigns, shall be Creditors upon the said Rate in an equal Degree one with another, and shall not have any Preference with respect to the Priority of any Monies so advanced.

II. And be it enacted, That it shall and may be lawful for the said Justices and they are hereby authorized and required to charge the Rate to be raised upon such County, Riding, or Division, not only with the Interest of the Money so borrowed, but also with the Payment of such further Sum as shall insure the Payment of the whole of the Sum borrowed within Fourteen Years from the Time of borrowing the same; and such Sums shall be assessed on the County, Riding, or Division in such Manner as County Rates are directed to be assessed under the Laws in force for that Purpose, and shall be paid and applied, under the Direction of the Justices, in discharge of the Interest and of so many of the Principal Sums on the said Securities as such Money will extend to discharge in each Year, until the whole of the Money for which such Securities shall be made, and the Interest thereof, shall be fully paid and discharged; and the Justices shall and they are hereby required to fix One or more Day or Days in each Year on which such Payment shall be made, and shall make Orders for Assessments in due Time, so as to provide for the regular Payment thereof; and such Justices shall also and they are hereby required to appoint a proper Person to keep an exact and regular Account of all the Receipts and Payments under the Authority of this Act, in a Book or Books, separate and apart from all other Accounts, and the same to adjust and settle in such Manner that it may easily be seen what Interest is growing due, and what Principal Money has been discharged, and what remains due, and the Books or Book so adjusted and settled to deliver into Court at any General or Quarter Sessions to be held for such County, Riding, or Division; and the Justices shall also and they are hereby required at every such Sessions carefully to inspect all such Accounts, and to make Orders for carrying the Purposes of this Act into execution, in such Manner as to them shall seem meet; and the Justices so assembled in Sessions as aforesaid shall direct in what Order such Securities shall be discharged, by drawing Lots or otherwise, as they shall think fit, taking care to discharge, in the first place, all such Securities as shall bear the highest Rate of Interest.

III. Provided always, and be it enacted, That the Justices shall not make any Order for the borrowing Money upon Mortgage of the Rate for any of the Purposes aforesaid, unless a Notice in Writing of the Intention to make the Application, signed by Two at least of the Justices usually acting in and for the Division within which the Bridge in question is situated, shall have been given to the Clerk of the Peace Four Weeks

Justices may charge the County Rate with Interest on the Money borrowed, and such further Sum as shall insure the Repayment thereof in 14 Years.

Books to be kept of Receipts and Payments.

Notice to be given of borrowing Money on Mortgage of the County Rate.

previous to the holding of the Sessions at which such Application is intended to be made, and shall also have been published in the Newspaper or Newspapers in which Notice of holding the Quarter Sessions is usually published, together with such last-mentioned Notice.

Powers of
6 G. 4. c. 40.
applied to this
Act.

IV. And be it enacted, That an Act passed in the Sixth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act to enable Justices of the Peace in England, in certain Cases, to borrow Money on Mortgage of the Rate of the County, Riding, or Place for which such Justices shall be then acting*, and the several Clauses, Powers, and Provisions in the said recited Act contained relating to the paying off of any Debt or Debts, and the borrowing of any Money for such Purpose, shall and may be applied in the paying off any Money borrowed under the Provisions or for the Purposes of this Act, as fully and effectually as if such Clauses, Powers, and Provisions were repeated and re-enacted in this Act.

Act may be
amended, &c.

V. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

SCHEDULE to which this Act refers.

(A.)

FORM of MORTGAGE and CHARGE upon the COUNTY RATE for securing MONEY borrowed.

WE, *A.B.*, One of Her Majesty's Justices of the Peace and Chairman of the Court of Quarter Sessions of the Peace holden at _____ on the _____ Day of _____ for the County, *et cætera*, of _____ [as the Case may be], *C.D.* and *E.F.* Esquires, Two other of Her Majesty's Justices of the Peace acting for the said County, *et cætera*, and assembled in the said Court, in pursuance of the Powers to us given by an Act passed in the Fourth Year of the Reign of Her Majesty Queen Victoria, intituled, *et cætera*, [insert the Title of this Act,] do hereby in open Court mortgage and charge all the Rates to be raised within the said County, *et cætera*, [as the Case may be,] under the Description of County Rates, by the Laws now in being, with the Payment of the Sum of _____ which *G.H.* of _____ hath proposed and agreed to lend, and hath now actually advanced and paid, towards defraying the Expences of upholding, maintaining, supporting, altering, widening, repairing, improving, or rebuilding [as the Case may be] a certain County Bridge at _____ or certain County Bridges at _____ and _____ [as the Case may be] in the said County, and the Approaches thereto [as the Case may be] in the said County, *et cætera*; and we do hereby assign the same unto the said *G.H.*, his Executors, Administrators, and Assigns, for securing the Payment of the Sum of _____ and Interest for the same after the Rate of _____

of per Centum per Annum, and do order the Treasurer for the said County, *et cætera, or other Person, [as the Case may be,]* to pay the Interest of the said Sum of half-yearly as the same shall become due, until the Principal shall be discharged, pursuant to the Directions of the said Act.

CAP. L.

An Act to make further Provision relative to the Returns to be made by Banks of the Amount of their Notes in Circulation. [21st June 1841.]

WHEREAS by an Act passed in the Third and Fourth Years of the Reign of His late Majesty King William the Fourth, intituled *An Act to compel Banks issuing Promissory Notes payable to Bearer on Demand to make Returns of their Notes in Circulation, and to authorize Banks to issue Notes payable in London for less than Fifty Pounds*, all Corporations and Copartnerships carrying on Banking Business under the Provisions of a certain Act therein recited, passed in the Seventh Year of the Reign of King George the Fourth, and all other Persons carrying on Banking Business, and making and issuing Promissory Notes payable to Bearer on Demand, are required respectively to keep certain Weekly Accounts of the Amount of Notes in Circulation, and to make up a Quarterly Account of the average Amount of such Notes in Circulation, and to return and deliver such Quarterly Account to the Commissioners of Stamps, at the Stamp Office in London, at the Times and in the Manner by the said first-recited Act directed: And whereas it is expedient to amend the said first-recited Act, and to require all such Corporations, Copartnerships, and Persons carrying on Banking Business in any Part of the United Kingdom to render more frequent Returns of the Amount of their Notes in Circulation: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the First Day of July One thousand eight hundred and forty-one all Corporations and Copartnerships carrying on Banking Business under the Provisions of the said Act passed in the Seventh Year of the Reign of King George the Fourth, and all other Persons carrying on Banking Business in *England and Wales*, and making and issuing Promissory Notes payable to Bearer on Demand, and all Corporations, Copartnerships, and Persons carrying on such Business, and making and issuing such Promissory Notes as aforesaid, in *Scotland*, and also the Governor and Company of the Bank of *Ireland*, and all Corporations, Copartnerships, and Persons carrying on such Business, and making and issuing such Promissory Notes as aforesaid, in *Ireland*, shall severally keep just and true Accounts of the Amount of Notes in Circulation at the Close of the Business in each

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3&4W. 4. c. 83.

Bankers in England, Scotland, and Ireland, respectively, issuing Promissory Notes payable to Bearer on Demand, to keep Accounts of the Amount in Circulation, and to make Returns thereof every Four Weeks.

Week, and shall, at the End of every Four Weeks, make up from such Weekly Accounts a just and true Account of the average Amount of such Notes in Circulation during such Four Weeks; and shall also, within Seven Days after the Conclusion of such Four Weeks, return and deliver such last-mentioned Account for the Four Weeks immediately preceding, and so on every successive Four Weeks, such Accounts being always verified in the Manner herein-after directed, to the Commissioners of Stamps and Taxes, at their head Office in *Westminster*, upon pain that any Corporation, Company, Copartnership, or Persons or Person, who shall neglect or omit to keep, or to return and deliver, any such Account in the Manner directed by this Act, shall for every such Neglect or Omission forfeit the Sum of Fifty Pounds, to be recovered, with full Costs of Suit, in the Name of Her Majesty's Attorney or Solicitor General in *England* or *Ireland* or of Her Majesty's Advocate General in *Scotland*.

Penalty for Default, 50*l*.

Accounts to be verified by Affidavit or Affirmation.

II. And be it enacted, That every such Account so to be returned and delivered to the Commissioners of Stamps and Taxes as aforesaid shall be verified by the Affidavit or Affirmation of the Secretary, Accountant, Cashier, or other Chief Clerk or Officer of the Corporation, Company, or Copartnership, or Persons or Person, so carrying on Banking Business and making such Return; and such Affidavit or Affirmation shall be made before any Justice of the Peace in any Part of the United Kingdom, or before a Master Extraordinary in Chancery, or any Person authorized to take Affidavits by any of the Superior Courts in *England* or *Ireland*; and no such Affidavit or Affirmation shall be liable to any Stamp Duty.

An Account to be made up every Four Weeks from the Accounts to be rendered by the Bank of England, and by other Bankers, and to be published in the *London Gazette*.

III. And be it enacted, That from the Accounts which shall be rendered by the Governor and Company of the Bank of *England* in pursuance of the Act in that Behalf, and also from the Accounts which shall be rendered in pursuance of this Act, there shall be made up an Account of the average aggregate Amount of Promissory Notes payable to Bearer on Demand which have been in Circulation in the United Kingdom during the preceding Four Weeks, and so on every successive Four Weeks, distinguishing those circulated by the Bank of *England*, by private Banks, and by Joint Stock Banks in *England* and *Wales*, by the Banks in *Scotland*, by the Bank of *Ireland*, and by all other Banks in *Ireland*, and of the average Amount of the Bullion in the Bank of *England* during the preceding Four Weeks; and such Account shall be published in the *London Gazette* in every Four Weeks as soon as the same can conveniently be prepared for that Purpose.

CAP. LI.

An Act to amend an Act of the Third Year of King *George* the Fourth, for regulating Turnpike Roads in *England*, and also an Act of the Fifth and Sixth Years of King *William* the Fourth, for consolidating the Laws relating to Highways in *England*.

[21st June 1841.]

WHEREAS by an Act passed in the Third Year of the Reign of King *George* the Fourth, intituled *An Act to amend the general Laws now in being for the regulating Turnpike Roads in that Part of Great Britain called England*, it is amongst other things enacted, "that it shall not be lawful for any Surveyor, or any other Person or Persons acting under the Authority of this Act, to dig, gather, get, take, or carry away any Materials for making or repairing any Turnpike Road, or for other such Purpose or Purposes as aforesaid, out of or from any inclosed Land or Ground, until Notice in Writing, signed by the Surveyor, shall have been given to the Owner or Owners of the Premises from which such Materials are intended to be taken, or his or her known Agent, or to the Occupiers of the Premises from which such Materials are intended to be taken, or left at the House or last or usual Place of Abode of such Owner or Occupier, to appear before any Two or more Justices of the Peace acting in and for the County, Liberty, or Place where the Lands from whence such Materials are intended to be taken shall be, to show Cause why such Materials shall not be had therefrom; and in case such Owner, Agent, or Occupier shall attend pursuant to such Notice, but shall not show sufficient Cause to the contrary, such Justices shall, if they think proper, authorize such Surveyor or other Person to dig, get, gather, take, or carry away such Materials, at such Time or Times as to such Justices shall seem proper; and if such Owner, Agent, or Occupier shall neglect or refuse to appear by himself or herself, or his or her Agent, the said Justices shall and may (upon Proof on Oath of the Service of such Notice, and which Oath they are hereby empowered to administer,) make such Order therein as they shall think fit, as fully and effectually, to all Intents and Purposes, as if such Owner or Occupier, or his or her Agent, had attended:" And whereas by an Act passed in the Session held in the Fifth and Sixth Years of the Reign of King *William* the Fourth, intituled *An Act to consolidate and amend the Laws relating to Highways in that Part of Great Britain called England*, it is amongst other things enacted, "that it shall not be lawful for any Surveyor, or any other Person acting under the Authority of this Act, to dig, gather, get, take, or carry away any Materials for making or repairing any Highway out of or from any inclosed Land or Ground, until One Calendar Month's

3 G. 4. c. 126.

5 & 6 W. 4. c. 50.

' Month's Notice in Writing, signed by the Surveyor, shall
 ' have been given to the Owner of the Premises from which
 ' such Materials are intended to be taken, or to his known
 ' Agent, and to the Occupier of the Premises from which such
 ' Materials are intended to be taken, or left at the House or
 ' last or usual Place of Abode of such Owner or Agent, and
 ' also of such Occupier, to appear before the Justices at a Special
 ' Sessions for the Highways, to show Cause why such Mate-
 ' rials shall not be had therefrom; and in case such Owner,
 ' Agent, or Occupier shall attend pursuant to such Notice,
 ' but shall not show sufficient Cause to the contrary, such
 ' Justices shall, if they think proper, authorize such Surveyor
 ' or other Person to dig, get, gather, take, and carry away such
 ' Materials, at such Time or Times as to such Justices shall
 ' seem proper; and if such Owner, Agent, or Occupier shall
 ' neglect or refuse to appear by himself or his Agent, the said
 ' Justices shall and may, upon Proof on Oath of the Service of
 ' such Notice, make such Order therein as they shall think fit,
 ' as fully and effectually, to all Intents and Purposes, as if
 ' such Owner or Occupier, or his Agent, had attended:" And
 ' whereas Doubts have been entertained whether the Words
 ' "inclosed Land or Ground," used in the said recited Acts,
 ' include Land being the private and exclusive Property of any
 ' Person or Persons, but not being actually inclosed with a
 ' Fence: And whereas large Portions of such Land are occupied
 ' for agricultural Purposes by the Owners or Occupiers thereof
 ' respectively, without the same being inclosed with any Fence;
 ' and it is expedient that the Materials referred to in the
 ' said recited Acts should not be taken from any such Land
 ' without previous Notice being given to the Owners or
 ' Occupiers thereof, and the Authority herein-after men-
 ' tioned obtained for that Purpose; be it therefore enacted
 by the Queen's most Excellent Majesty, by and with the Ad-
 vice and Consent of the Lords Spiritual and Temporal, and
 Commons, in this present Parliament assembled, and by the
 Authority of the same, That from and after the passing of this
 Act all Lands and Grounds which shall be in the exclusive
 Occupation of One or more Persons for agricultural Purposes
 shall be deemed and taken to be inclosed Lands or Grounds
 within the Meaning of the said recited Acts, although the
 same may not be separated from any adjoining Lands or
 Grounds of other Persons, or from the Highway, by any Fence
 or other Inclosure.

Lands in the
 exclusive Occu-
 pation of Per-
 sons for agricul-
 tural Purposes
 to be deemed
 inclosed Lands.

CAP. LII.

An Act to amend an Act of the Fourth Year of Her present Majesty, intituled *An Act for facilitating the Administration of Justice in the Court of Chancery.*

[21st June 1841.]

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WHEREAS by an Act passed in the Fourth Year of the Reign of Her present Majesty, intituled *An Act for facilitating the Administration of Justice in the Court of Chancery*, it was among other things enacted, that the Lord Chancellor, with the Advice and Consent of the Master of the Rolls and the Vice Chancellor, or One of them, might and he was hereby required, within Five Years from the passing of the same Act, to make certain Rules, Orders, and Regulations (with reference to the Forms and Mode of Proceeding in the said Court of Chancery), and otherwise as therein mentioned, and that all such Rules, Orders, and Regulations should be laid before both Houses of Parliament, if Parliament should be then sitting, immediately upon the making and issuing the same, or if Parliament should not be sitting then within Five Days after the next Meeting thereof; and that no such Rule, Order, or Regulation should have effect until each House of Parliament should have actually sat Thirty-six Days after the same should have been laid before each House of Parliament as aforesaid; and that every such Rule, Order, or Regulation so made should from and after the Time aforesaid be binding and obligatory on the said Court, and be of like Force and Effect as if the Provisions contained therein had been expressly enacted by Parliament, unless the same should by Vote of either House of Parliament be objected to: And whereas no Rule, Order, or Regulation hath yet been made under the said recited Act: And whereas it is expedient to alter and amend the said recited Act in manner herein-after mentioned: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That so much of the said recited Act as directs that no such Rule, Order, or Regulation as aforesaid shall have effect until each House of Parliament shall have actually sat Thirty-six Days after the same shall have been laid before each House of Parliament as aforesaid shall from and after the passing of this Act be and the same is hereby repealed; and that every such Rule, Order, or Regulation made in pursuance of the said recited Act shall, from and after the Time in that Behalf to be appointed by the Lord Chancellor, with such Advice and Consent as aforesaid, and if no Time shall be so appointed then from and after the making thereof, be binding and obligatory on the said Court, and be of like Force and Effect as if the Provisions therein contained had been expressly enacted by

3 & 4 Vict. c. 94.

Repeal of
3 & 4 Vict. c. 94.
in part.

Rules, &c. to
be binding from
the making
thereof unless
objected to by
the Vote of
either House of
Parliament, or
are informal.

Parliament: Provided always, that if either of the Houses of Parliament shall, by any Resolution passed at any Time before such House of Parliament shall have actually sat Thirty-six Days after such Rules, Orders, and Regulations shall have been laid before such House of Parliament, resolve that the Whole or any Part of such Rules, Orders, or Regulations ought not to continue in force, in such Case the Whole or such Part thereof as shall be so included in such Resolution shall from and after such Resolution cease to be binding and obligatory on the said Court: Provided also, that no such Rule, Order, or Regulation as aforesaid shall by virtue of the said Act be of the like Force and Effect as if the Provisions therein contained had been expressly enacted by Parliament, unless the same shall be expressed to be made in pursuance of the said Act and of this Act; and that every such Rule, Order, or Regulation so expressed to be made in pursuance of the said Act and of this Act, which shall not be laid before both Houses of Parliament within the Time by the said recited Act limited for that Purpose, shall from and after the Expiration of such Time be absolutely void and of no Effect.

Interpretation
Clause.

II. And be it enacted, That in the Construction of this Act the Expression "Lord Chancellor" shall mean also and include the Lord Chancellor, Lord Keeper, and Lords Commissioners for the Custody of the Great Seal of the United Kingdom for the Time being.

CAP. LIII.

An Act to apply certain Sums of Money to the Service of the Year One thousand eight hundred and forty-one, and to appropriate the Supplies granted in this Session of Parliament. [22d June 1841.]

‘ Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of *Great Britain* and *Ireland*, in Parliament assembled, towards making good the Supply which we have cheerfully granted to Your Majesty in this Session of Parliament, have resolved to grant unto Your Majesty the Sums herein-after mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That there shall and may be issued and applied, for or towards making good the Supply granted to Her Majesty for the Service of the Year One thousand eight hundred and forty-one, the Sum of Six millions two hundred thousand Pounds out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, and the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, or any Three

There shall be applied, for the Service of the Year 1841, 6,200,000*l.* out of the Consolidated Fund.

or more of them, or the Lord High Treasurer of the United Kingdom of *Great Britain and Ireland* for the Time being, are or is hereby authorized and empowered to issue and apply the same accordingly.

II. And be it enacted, That it shall and may be lawful for the said Commissioners of Her Majesty's Treasury, or any Three or more of them, from Time to Time, by Warrant under their Hands, to cause or direct any Number of Exchequer Bills to be made out at the Receipt of Her Majesty's Exchequer at *Westminster* for any Sum or Sums of Money not exceeding in the whole the Sum of Six millions two hundred thousand Pounds; and such Exchequer Bills shall be made out in the same or like Manner, Form, and Order, and according to the same or like Rules and Directions, as are directed and prescribed in and by an Act passed in the Forty-eighth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for regulating the issuing and paying off of Exchequer Bills.*

The Treasury may cause 6,200,000*l.* of Exchequer Bills to be made out in manner prescribed by 48 G. 3. c. 1.

III. And be it enacted, That all and every the Clauses, Provisions, Powers, Privileges, Advantages, Penalties, Forfeitures, and Disabilities contained in the said recited Act passed in the Forty-eighth Year of the Reign of His said Majesty shall be applied and extended to the Exchequer Bills to be made out in pursuance of this Act, as fully and effectually, to all Intents and Purposes, as if the said several Clauses, Provisions, Powers, Privileges, Advantages, Penalties, Forfeitures, and Disabilities had been particularly repeated and re-enacted in the Body of this Act.

The Clauses, &c. in recited Act extended to this Act.

IV. And be it enacted, That the Exchequer Bills to be made out in pursuance of this Act shall and may bear an Interest not exceeding the Rate of Three-pence Halfpenny *per Centum per Diem* upon or in respect of the whole of the Monies respectively contained therein.

Interest on Exchequer Bills.

V. And be it declared and enacted, That it shall and may be lawful for the Governor and Company of the Bank of *England*, and they are hereby empowered, to take, accept, and receive the Exchequer Bills authorized to be made out in pursuance of this Act, and to advance or lend to Her Majesty, at the Receipt of the Exchequer at *Westminster*, upon the Credit of the Sum granted by this Act out of the Consolidated Fund of the United Kingdom of *Great Britain and Ireland*, any Sum or Sums of Money not exceeding in the whole the Sum of Six millions two hundred thousand Pounds, any thing in an Act passed in the Fifth and Sixth Years of the Reign of King *William* and Queen *Mary*, intituled *An Act for granting to Their Majesties several Rates and Duties upon the Tonnage of Ships and Vessels, and upon Beer, Ale, and other Liquors; and for securing certain Recompences and Advantages in the said Act mentioned to such Persons as shall voluntarily advance the Sum of One million five hundred thousand Pounds towards carrying on the War against France, or in any other Act or Acts, to the contrary notwithstanding.*

Bank of England may advance 6,200,000*l.* on the Credit of this Act, notwithstanding 5 & 6 W. & M. c. 20.

VI. And

Parliament: Provided always, that if either of the Houses of Parliament shall, by any Resolution passed at any Time before such House of Parliament shall have actually sat Thirty-six Days after such Rules, Orders, and Regulations shall have been laid before such House of Parliament, resolve that the Whole or any Part of such Rules, Orders, or Regulations ought not to continue in force, in such Case the Whole or such Part thereof as shall be so included in such Resolution shall from and after such Resolution cease to be binding and obligatory on the said Court: Provided also, that no such Rule, Order, or Regulation as aforesaid shall by virtue of the said Act be of the like Force and Effect as if the Provisions therein contained had been expressly enacted by Parliament, unless the same shall be expressed to be made in pursuance of the said Act and of this Act; and that every such Rule, Order, or Regulation so expressed to be made in pursuance of the said Act and of this Act, which shall not be laid before both Houses of Parliament within the Time by the said recited Act limited for that Purpose, shall from and after the Expiration of such Time be absolutely void and of no Effect.

Interpretation
Clause.

II. And be it enacted, That in the Construction of this Act the Expression "Lord Chancellor" shall mean also and include the Lord Chancellor, Lord Keeper, and Lords Commissioners for the Custody of the Great Seal of the United Kingdom for the Time being.

CAP. LIII.

An Act to apply certain Sums of Money to the Service of the Year One thousand eight hundred and forty-one, and to appropriate the Supplies granted in this Session of Parliament. [22d June 1841.]

‘ Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of *Great Britain* and *Ireland*, in Parliament assembled, towards making good the Supply which we have cheerfully granted to Your Majesty in this Session of Parliament, have resolved to grant unto Your Majesty the Sums herein-after mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That there shall and may be issued and applied, for or towards making good the Supply granted to Her Majesty for the Service of the Year One thousand eight hundred and forty-one, the Sum of Six millions two hundred thousand Pounds out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, and the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, or any Three

There shall be applied, for the Service of the Year 1841, 6,200,000*l.* out of the Consolidated Fund.

or more of them, or the Lord High Treasurer of the United Kingdom of *Great Britain and Ireland* for the Time being, are or is hereby authorized and empowered to issue and apply the same accordingly.

II. And be it enacted, That it shall and may be lawful for the said Commissioners of Her Majesty's Treasury, or any Three or more of them, from Time to Time, by Warrant under their Hands, to cause or direct any Number of Exchequer Bills to be made out at the Receipt of Her Majesty's Exchequer at *Westminster* for any Sum or Sums of Money not exceeding in the whole the Sum of Six millions two hundred thousand Pounds; and such Exchequer Bills shall be made out in the same or like Manner, Form, and Order, and according to the same or like Rules and Directions, as are directed and prescribed in and by an Act passed in the Forty-eighth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for regulating the issuing and paying off of Exchequer Bills*.

The Treasury may cause 6,200,000*l.* of Exchequer Bills to be made out in manner prescribed by 48 G. 3. c. 1.

III. And be it enacted, That all and every the Clauses, Provisoes, Powers, Privileges, Advantages, Penalties, Forfeitures, and Disabilities contained in the said recited Act passed in the Forty-eighth Year of the Reign of His said Majesty shall be applied and extended to the Exchequer Bills to be made out in pursuance of this Act, as fully and effectually, to all Intents and Purposes, as if the said several Clauses, Provisoes, Powers, Privileges, Advantages, Penalties, Forfeitures, and Disabilities had been particularly repeated and re-enacted in the Body of this Act.

The Clauses, &c. in recited Act extended to this Act.

IV. And be it enacted, That the Exchequer Bills to be made out in pursuance of this Act shall and may bear an Interest not exceeding the Rate of Three-pence Halfpenny *per Centum per Diem* upon or in respect of the whole of the Monies respectively contained therein.

Interest on Exchequer Bills.

V. And be it declared and enacted, That it shall and may be lawful for the Governor and Company of the Bank of *England*, and they are hereby empowered, to take, accept, and receive the Exchequer Bills authorized to be made out in pursuance of this Act, and to advance or lend to Her Majesty, at the Receipt of the Exchequer at *Westminster*, upon the Credit of the Sum granted by this Act out of the Consolidated Fund of the United Kingdom of *Great Britain and Ireland*, any Sum or Sums of Money not exceeding in the whole the Sum of Six millions two hundred thousand Pounds, any thing in an Act passed in the Fifth and Sixth Years of the Reign of King *William* and Queen *Mary*, intituled *An Act for granting to Their Majesties several Rates and Duties upon the Tonnage of Ships and Vessels, and upon Beer, Ale, and other Liquors; and for securing certain Recompences and Advantages in the said Act mentioned to such Persons as shall voluntarily advance the Sum of One million five hundred thousand Pounds towards carrying on the War against France*, or in any other Act or Acts, to the contrary notwithstanding.

Bank of England may advance 6,200,000*l.* on the Credit of this Act, notwithstanding 5 & 6 W. & M. c. 20.

1,443,711 <i>l.</i> for Wages to 43,000 Seamen and Marines, &c. ;	<p>particularly mentioned; (that is to say,) any Sum or Sums of Money not exceeding One million four hundred forty-three thousand seven hundred and eleven Pounds, to defray the Charge of Wages to Forty-three thousand Seamen and Marines, and to the Ordinary and Yard Craft, which will come in course of Payment during the Year ending on the Thirty-first Day of <i>March</i> One thousand eight hundred and forty-two; and any Sum or Sums of Money not exceeding Seven hundred eighty-two thousand and forty-eight Pounds to defray the Charge of Victuals to Seamen and Marines in Her Majesty's Fleet, and the Ordinary and Yard Craft, to the Thirty-first Day of <i>March</i> One thousand eight hundred and forty-two; and any Sum or Sums of Money not exceeding One hundred twenty-one thousand eight hundred and forty-four Pounds to defray the Salaries of the Officers and the contingent Expences of the Admiralty Office to the Thirty-first Day of <i>March</i> One thousand eight hundred and forty-two; and any Sum or Sums of Money not exceeding Two thousand nine hundred and eighty Pounds, to defray the Salaries of the Officers and the contingent Expences of the Office for the Registry of Merchant Seamen to the Thirty-first Day of <i>March</i> One thousand eight hundred and forty-two; and any Sum or Sums of Money not exceeding Thirty-one thousand nine hundred and eighty-two Pounds, to defray the Salaries of the Officers and the contingent Expences of the several scientific Departments of the Navy, to the Thirty-first Day of <i>March</i> One thousand eight hundred and forty-two; and any Sum or Sums of Money not exceeding One hundred twenty-four thousand five hundred and twenty-nine Pounds, to defray the Salaries of the Officers and the contingent Expences of Her Majesty's Naval Establishments at home, to the Thirty-first Day of <i>March</i> One thousand eight hundred and forty-two; and any Sum or Sums of Money not exceeding Twenty-two thousand one hundred and fifty-two Pounds, to defray the Salaries of the Officers and the contingent Expences of Her Majesty's Naval Establishments abroad, to the Thirty-first Day of <i>March</i> One thousand eight hundred and forty-two; and any Sum or Sums of Money not exceeding Five hundred seventy-five thousand five hundred and seven Pounds, to pay the Wages of Artificers, Labourers, and others employed in Her Majesty's Naval Establishments at home, to the Thirty-first Day of <i>March</i> One thousand eight hundred and forty-two; and any Sum or Sums of Money not exceeding Thirty-four thousand five hundred Pounds, to pay the Wages of Artificers, Labourers, and others employed in Her Majesty's Naval Establishments abroad, to the Thirty-first Day of <i>March</i> One thousand eight hundred and forty-two; and any Sum or Sums of Money not exceeding One million two hundred eighty-two thousand five hundred and thirty-six Pounds, to defray the Expence of Naval Stores for the building, Repair, and Outfit of the Fleet, the Purchase of Steam Machinery, and for other Purposes connected therewith, to the Thirty-first Day of <i>March</i> One thousand eight hundred and forty-two; and any Sum or</p>
782,048 <i>l.</i> for Victuals, &c. in the Navy;	
121,844 <i>l.</i> for Salaries, &c. of the Admiralty Office;	
2,980 <i>l.</i> for Registry Office of Merchant Seamen, &c. ;	
31,982 <i>l.</i> for the Navy scientific Departments;	
124,529 <i>l.</i> for Naval Establishments at home;	
22,152 <i>l.</i> for Naval Establishments abroad;	
575,507 <i>l.</i> for Wages of Artificers, &c. at home;	
34,500 <i>l.</i> for Wages of Artificers, &c. abroad;	
1,282,536 <i>l.</i> for Naval Stores, &c. ;	

Sums of Money not exceeding Two hundred and one thousand six hundred and seventy-seven Pounds, to defray the Charge of new Works, Improvements, and Repairs, in the Naval Yards, to the Thirty-first Day of *March* One thousand eight hundred and forty-two; and any Sum or Sums of Money not exceeding Twenty-four thousand six hundred and fifty-one Pounds, to defray the Charge of Medicines and Medical Stores, to the Thirty-first Day of *March* One thousand eight hundred and forty-two; and any Sum or Sums of Money not exceeding Two hundred eighty-three thousand seven hundred and eighty-eight Pounds, to defray the Charge of divers Naval Miscellaneous Services, to the Thirty-first Day of *March* One thousand eight hundred and forty-two; and any Sum or Sum of Money not exceeding Seven hundred twenty-eight thousand six hundred and twenty-three Pounds, to defray the Charge of Half Pay to Officers of the Navy and of the Royal Marines which will come in course of Payment during the Year ending on the Thirty-first Day of *March* One thousand eight hundred and forty-two; and any Sum or Sums of Money not exceeding Five hundred and four thousand five hundred and ninety-one Pounds, to defray the Charge of Military Pensions and Allowances which will come in course of Payment during the Year ending on the Thirty-first Day of *March* One thousand eight hundred and forty-two; and any Sum or Sums of Money not exceeding One hundred eighty-one thousand seven hundred and eighty-nine Pounds, to defray the Charge of Civil Pensions and Allowances which will come in course of Payment during the Year ending on the Thirty-first Day of *March* One thousand eight hundred and forty-two; and any Sum or Sums of Money not exceeding One hundred and ninety thousand nine hundred and eighty-seven Pounds, to pay the Freight of Ships and Transports, and other Charges for the Victualling and Conveyance of Troops and Stores, on account of the Army and Ordnance Departments, which will come in course of Payment during the Year ending on the Thirty-first Day of *March* One thousand eight hundred and forty-two; and any Sum or Sums of Money not exceeding seventy-six thousand two hundred and sixty-two Pounds, to defray the Expence of conveying Convicts to *New South Wales* and *Van Diemen's Land* which will come in course of Payment during the Year ending on the Thirty-first Day of *March* One thousand eight hundred and forty-two.

XIV. And it is hereby also enacted, That out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Six millions three hundred twenty-four thousand four hundred and seventy-three Pounds, for and towards the Army Services hereinafter more particularly mentioned; (that is to say,) any Sum or Sums of Money not exceeding Three millions five hundred and ten thousand seven hundred and seventy-four Pounds for defraying the Charge of Her Majesty's Land Forces for Service in the United Kingdom of *Great Britain* and *Ireland*, and on Stations abroad (excepting the Regiments employed in

201,677*l.* for
new Works in
Yards;

24,651*l.* for
Medicines, &c.;

283,788*l.* for
Naval Miscel-
laneous Ser-
vices;

728,623*l.* for
Naval Half
Pay;

504,591*l.* for
Military Pen-
sions;

181,789*l.* for
Civil Pensions;

190,987*l.* to
defray the
Charge of
Transports, &c.;

76,262*l.* for
conveying
Convicts to
N. S. Wales.

There shall
be applied
6,324,473*l.*
for Army
Services; viz.

3,510,774*l.* for
Forces in U. K.
and Stations
abroad (except
the *East Indies*);

167,449*l.* for
General Staff
Officers, &c. ;

79,715*l.* for
Allowances to
Officers, &c. of
Public Military
Departments ;

15,148*l.* for
Royal Military
Asylum, &c. ;

15,839*l.* for
Rewards for
distinguished
Military Ser-
vices ;

85,000*l.* for
certain General
Officers ;

67,500*l.* for
Full Pay for
Retired Offi-
cers ;

497,000*l.* for
Half Pay for
Retired Offi-
cers ;

in the Territorial Possessions of the *East India Company*), from the First Day of *April* One thousand eight hundred and forty-one to the Thirty-first Day of *March* One thousand eight hundred and forty-two, both Days inclusive; and any Sum or Sums of Money not exceeding One hundred sixty-seven thousand four hundred and forty-nine Pounds, for defraying the Charge of General Staff Officers, and Officers of the Hospitals serving with Her Majesty's Forces in the United Kingdom of *Great Britain* and *Ireland* and on Foreign Stations (excepting *India*), and of Her Majesty's Garrison of the *Tower of London*, from the First Day of *April* One thousand eight hundred and forty-one to the Thirty-first Day of *March* One thousand eight hundred and forty-two, both Days inclusive; and any Sum or Sums of Money not exceeding Seventy-nine thousand seven hundred and fifteen Pounds, for defraying the Charge of the Allowances to the principal Officers of the several Public Military Departments in *Great Britain*, their Deputies, Clerks, and contingent Expences, from the First Day of *April* One thousand eight hundred and forty-one to the Thirty-first Day of *March* One thousand eight hundred and forty-two, both Days inclusive; and any Sum or Sums of Money not exceeding Fifteen thousand one hundred and forty-eight Pounds, for defraying the Charge of the Royal Military Asylum and of the *Hibernian* Military School, from the First Day of *April* One thousand eight hundred and forty-one to the Thirty-first Day of *March* One thousand eight hundred and forty-two, both Days inclusive; and any Sum or Sums of Money not exceeding Fifteen thousand eight hundred and thirty-nine Pounds, for defraying the Charge of Allowances as Rewards for distinguished Services, and of Allowances to Officers of Her Majesty's Garrisons holding their Appointments as Rewards for Military Service in the United Kingdom of *Great Britain* and *Ireland* and on Foreign Stations, from the First Day of *April* One thousand eight hundred and forty-one to the Thirty-first Day of *March* One thousand eight hundred and forty-two, both Days inclusive; and any Sum or Sums of Money not exceeding Eighty-five thousand Pounds, for defraying the Charge of the Pay of General Officers in Her Majesty's Forces not being Colonels of Regiments, from the First Day of *April* One thousand eight hundred and forty-one to the Thirty-first Day of *March* One thousand eight hundred and forty-two, both Days inclusive; and any Sum or Sums of Money not exceeding Sixty-seven thousand five hundred Pounds, for defraying the Charge of Full Pay for Reduced and Retired Officers of Her Majesty's Forces, from the First Day of *April* One thousand eight hundred and forty-one to the Thirty-first Day of *March* One thousand eight hundred and forty-two, both Days inclusive; and any Sum or Sums of Money not exceeding Four hundred and ninety-seven thousand Pounds, for defraying the Charge of Half Pay and Military Allowances to Reduced and Retired Officers of Her Majesty's Land Forces, from the First Day of *April* One thousand eight hundred and forty-one

to the Thirty-first Day of *March* One thousand eight hundred and forty-two, both Days inclusive; and any Sum or Sums of Money not exceeding Sixty thousand six hundred and eight Pounds, for defraying the Charge of Half Pay and Reduced Allowances to Officers of disbanded Foreign Corps, of Pensions to wounded Foreign Officers, and of Allowances to the Widows and Children of deceased Foreign Officers, from the First Day of *April* One thousand eight hundred and forty-one to the Thirty-first Day of *March* One thousand eight hundred and forty-two, both Days inclusive; and any Sum or Sums of Money not exceeding One hundred forty-one thousand and forty-eight Pounds, for defraying the Charge of Pensions to be paid to the Widows of Officers of the Land Forces, from the First Day of *April* One thousand eight hundred and forty-one to the Thirty-first Day of *March* One thousand eight hundred and forty-two, both Days inclusive; and any Sum or Sums of Money not exceeding One hundred and twenty-four thousand Pounds, for defraying the Charge of Allowances on the Compassionate List, of Allowances as of Her Majesty's Royal Bounty, and of Pensions, Gratuities, and Allowances to Officers for Wounds, from the First Day of *April* One thousand eight hundred and forty-one to the Thirty-first Day of *March* One thousand eight hundred and forty-two, both Days inclusive; and any Sum or Sums of Money not exceeding One million two hundred sixty-eight thousand nine hundred and six Pounds, for defraying the Charge of *Chelsea* and *Kilmainham* Hospitals, of the In-Pensioners of those Establishments, of the Out-Pensioners of *Chelsea* Hospital, of Pensions granted to discharged Negro Soldiers, and of Pensioners from *Hanoverian* Corps which served with the *British* Army in One thousand seven hundred and ninety-three, One thousand seven hundred and ninety-four, and One thousand seven hundred and ninety-five, from the First Day of *April* One thousand eight hundred and forty-one to the Thirty-first Day of *March* One thousand eight hundred and forty-two, both Days inclusive; and any Sum or Sums of Money not exceeding Forty-three thousand Pounds, for defraying the Charge of Allowances, Compensations, and Emoluments in the Nature of Superannuation or Retired Allowances, to Persons formerly belonging to the several Military Public Departments in the United Kingdom of *Great Britain* and *Ireland*, from the First Day of *April* One thousand eight hundred and forty-one to the Thirty-first Day of *March* One thousand eight hundred and forty-two, both Days inclusive; and any Sum or Sums of Money not exceeding Eighty-two thousand two hundred and sixty-six Pounds, for defraying the Charge of Volunteer Corps from the First Day of *April* One thousand eight hundred and forty-one to the Thirty-first Day of *March* One thousand eight hundred and forty-two, both Days inclusive; and any Sum or Sums of Money not exceeding One hundred sixty-six thousand two hundred and twenty Pounds, to defray the Charge of the Disembodied Militia

60,608*l.* for Half Pay, &c. to Officers of disbanded Foreign Corps;

141,048*l.* for Pensions to Widows;

124,000*l.* for Compassionate List, &c.;

1,268,906*l.* for *Chelsea* and *Kilmainham* Hospitals, &c.;

43,000*l.* for Superannuations in Public Military Departments;

82,266*l.* for Volunteer Corps;

166,220*l.* for Disembodied Militia.

of

Months of the Year One thousand eight hundred and forty-one.

The said Sum of 1,634,791*l.* to be applied as herein specified.

XX. Provided always, and be it enacted, That the said Sum of One million six hundred thirty-four thousand seven hundred and ninety-one Pounds shall not be issued and applied to any other Use, Intent, or Purpose, or to any greater Amount, than to the Use, Intent, or Purpose, and to the Amount following; that is to say,

	£	s.	d.
For the Commissariat Department - -	106,678	0	0
For Half Pay of Commissariat Department	25,002	0	0
For Services in <i>Canada</i> - - -	54,000	0	0
For Civil Contingencies - - -	60,000	0	0
For Works and Repairs of Public Buildings - - -	51,654	10	0
For <i>Kingstown</i> Harbour - - -	5,000	0	0
For <i>Holyhead</i> Roads and Harbour -	2,680	10	0
For Works at the <i>British Museum</i> - -	21,202	0	0
For temporary Accommodation for Houses of Parliament - - -	4,184	10	0
For new Houses of Parliament - - -	34,594	0	0
For the Model Prison - - -	15,000	0	0
For the General Prison at <i>Perth</i> - - -	2,500	0	0
For the Museum of Economic Geology -	844	10	0
For the Hall for the General Assembly of the Church at <i>Edinburgh</i> - - -	2,500	0	0
For the <i>Caledonian</i> Canal - - -	25,000	0	0
For Salaries, &c. of Houses of Parliament -	29,000	0	0
Do. of the Treasury - - -	26,300	0	0
Do. of the Home Department	10,750	0	0
Do. of the Foreign Department - - -	44,000	0	0
Do. of the Colonial Department - - -	10,000	0	0
Do. of the Privy Council Office, &c. - - -	15,750	0	0
For the Salary of the Lord Privy Seal -	1,000	0	0
For the Office of Paymaster General -	17,473	10	0
For Salaries, &c. in the Exchequer, &c. -	8,785	0	0
For Professors at <i>Oxford</i> and <i>Cambridge</i> -	1,003	0	0
For Salaries, &c. of the Insolvent Debtors Court - - -	6,679	0	0
For the Penitentiary at <i>Millbank</i> - - -	9,722	0	0
For <i>Parkhurst</i> Prison - - -	3,092	10	0
For Salaries, &c. of State Paper Office -	1,141	0	0
Do. of Ecclesiastical Commissioners - - -	1,500	0	0
Do. of Poor Law Commissioners - - -	29,077	10	0
Do. of Slave Trade Commissioners - - -	8,250	0	0

For

	£	s.	d.
For Salaries, &c. of Consuls abroad -	56,796	0	0
Do. of Inspectors of Factories -	4,500	0	0
Do. of Inspectors of Prisons -	3,100	0	0
For the Expenditure of the Mint -	15,700	0	0
For the Commission on Employment of Children in Mines and Collieries -	2,500	0	0
For Superannuation and Retired Allow- ances - - - - -	41,000	0	0
For <i>Toulonese</i> Emigrants, &c. - - -	3,250	0	0
For the Vaccine Institution - - -	925	0	0
For the Refuge for the Destitute - - -	1,500	0	0
For Maintenance of Criminal Lunatics -	1,695	0	0
For Protestant Dissenting Ministers, &c. -	1,950	0	0
For Foreign and other Secret Services -	19,600	0	0
For Printing and Stationery - - -	103,747	0	0
For Law Charges - - - - -	14,000	0	0
For the Convict Hulk Establishment - -	39,440	0	0
For Convicts abroad - - - - -	132,500	0	0
For the Support of captured Negroes -	12,500	0	0
For the Public Record Office - - -	5,169	0	0
For Public Education - - - - -	15,000	0	0
For the University of <i>London</i> - - -	2,660	0	0
For the School of Design - - - - -	795	0	0
For Revising Barristers - - - - -	14,500	0	0
For Sheriffs Expences and Officers of the Court of Exchequer - - - - -	6,150	0	0
For Charges heretofore paid out of County Rates - - - - -	73,500	0	0
For the <i>Polish</i> Refugees - - - - -	6,000	0	0
For Purchase of Manuscripts and Coins for <i>British</i> Museum - - - - -	3,540	0	0
For Debt to the <i>Conde de Povo</i> - - -	37,667	0	0
For Steam Communication to <i>India</i> - -	25,000	0	0
For Civil Establishment of the <i>Bahamas</i> -	2,930	0	0
Ditto of the <i>Bermudas</i> - - - - -	2,024	10	0
Ditto of <i>Prince Edwards Island</i> - -	1,535	0	0
Ditto of Settlements on Western Coast of <i>Africa</i> - - - - -	5,440	0	0
Ditto of <i>Western Australia</i> - - - -	3,549	10	0
For Ecclesiastical Establishment of <i>British</i> <i>North American</i> Provinces - - - -	5,795	0	0
For <i>Indian</i> Department in <i>Canada</i> - -	9,447	10	0
For Governors, &c. of <i>West India</i> Colonies	9,333	10	0
For Civil Establishment at <i>Heligoland</i> -	511	10	0
For Stipendiary Justices in the <i>West Indies</i>	29,350	0	0
For Education of emancipated Negroes -	15,000	0	0
For Colonial Land and Emigration Board	3,326	0	0
For Civil Establishment of <i>Saint Helena</i> -	5,750	0	0
For Establishment at <i>Sable Island, Nova</i> <i>Scotia</i> - - - - -	200	0	0

	£	s.	d.
For Expedition to the <i>Niger</i> - - -	19,987	0	0
For Settlements of <i>New Zealand</i> - - -	3,000	0	0
For Settlement at <i>Port Essington</i> - - -	2,211	10	0
For Civil Establishment at the <i>Falkland Islands</i> - - - - -	1,000	0	0
For Public Walks - - - - -	5,000	0	0
For Schools of Design in Provincial Towns	5,000	0	0
For the Purchase of Pictures for the National Gallery - - - - -	1,750	0	0
For Lighthouses in <i>Jamaica</i> and <i>Bermuda</i>	2,250	0	0
For taking the Census of the Population in <i>Ireland</i> - - - - -	10,000	0	0
For Miscellaneous Services in <i>Scotland</i> -	37,150	0	0

In *Ireland*.

For the Advancement of Education - - -	25,000	0	0
For the Foundling Hospital - - -	4,793	0	0
For the House of Industry - - -	7,846	10	0
For the Female Orphan House - - -	500	0	0
For the <i>Westmorland</i> Lock Hospital - - -	1,250	0	0
For the Lying-in Hospital - - -	500	0	0
For Doctor <i>Stevens'</i> Hospital - - -	750	0	0
For the Fever Hospital - - -	1,900	0	0
For the Hospital for Incurables - - -	250	0	0
For the Roman Catholic College - - -	4,464	0	0
For the Royal <i>Irish</i> Academy - - -	150	0	0
For the Royal <i>Hibernian</i> Academy - - -	150	0	0
For the Commissioners of Charitable Donations and Bequests - - - - -	350	0	0
For the Royal <i>Belfast</i> Academical Institution - - - - -	975	0	0
For Public Buildings and Works - - -	8,250	0	0
For the Department of the Chief Secretary to the Lord Lieutenant - - - - -	12,542	10	0
For the Establishment of the Lord Lieutenant - - - - -	6,232	0	0
For the Paymaster of Civil Services - - -	2,360	9	10
For publishing and printing Proclamations and Statutes - - - - -	2,075	0	0
For Non-conforming and other Ministers	17,453	10	0
For Law Charges - - - - -	51,000	0	0
For the Public Offices and Metropolitan Police of <i>Dublin</i> - - - - -	19,050	0	0
For the Board of Public Works - - -	1,392	0	0
For the Townland Survey of <i>Ireland</i> - - -	3,500	0	0
For the Commissioners of the River <i>Shannon</i> - - - - -	1,459	10	0

Supplies to be applied only for the Purposes aforesaid.

XXI. And it is hereby also enacted, That the said Aids and Supplies provided as aforesaid shall not be issued or applied to any Use, Intent, or Purpose whatsoever other than the Uses, Intents,

Intents, and Purposes before mentioned, or for the other Payments directed to be satisfied thereof by any Act or Acts, or any particular Clause or Clauses for that Purpose contained in any other Act or Acts of this Session of Parliament.

XXII. And as to the Sum of Four hundred and ninety-seven thousand Pounds by this Act appropriated on account of Half Pay as aforesaid, it is hereby enacted and declared, That the Rules hereafter prescribed shall be duly observed in the Application of the said Half Pay; (that is to say,) that no Person shall have or receive any Part of the same without making and subscribing a Declaration to such Purport and Effect as shall be required in that Behalf by Her Majesty's Warrants directing the Issue of the Half Pay to be received; that no Person shall have or receive any Part of the same who was under the Age of Sixteen Years at the Time when the Regiment, Troop, or Company in which he served was reduced; that no Person shall have or receive any Part of the same who did not do actual Service in some Regiment, Battalion, Troop, or Company in Her Majesty's Service, except in Cases in which the Commission was received under Circumstances which did not, according to the Regulations of the Army, require the Officer to serve; that no Person shall have or receive any Part of the same who has resigned his Commission, and has had no Commission since; that no Part of the same shall be allowed to any Person by virtue of any Warrant or Appointment, except to such Person as would have been otherwise entitled thereto as a Reduced Officer; that no Person shall have or receive any Part of the same for any Time during which he shall hold any other Military Place or Employment of Profit under Her Majesty, or in Her Majesty's Colonies or Possessions beyond the Seas, except on the Staff or in Garrison, and that in such excepted Cases, or in Cases of his holding any Military Place or Employment of Profit under another Government, no Officer shall receive any Part of his Half Pay unless with Her Majesty's Approbation, to be signified by the Secretary at War to the Paymaster General, and the Officer claiming the Half Pay in pursuance of such Approbation shall specify in his Declaration the other Military Place or Employment of Profit on the Staff or in Garrison which he may hold or have held under Her Majesty, or in the Colonies or Possessions of Her Majesty beyond the Seas, or under any other Government; that no Person who shall, on or before the Twenty-eighth Day of *July* One thousand eight hundred and twenty-eight, have held any Civil Place or Employment of Profit under Her Majesty, or in the Colonies or Possessions of Her Majesty beyond the Seas, or under any other Government, shall have or receive any Part of the same for any Time during which he shall hold any such Civil Place or Employment of Profit under Her Majesty, or in the Colonies or Possessions of Her Majesty beyond the Seas, or under any other Government except in Cases in which the same shall not exceed Three Times the Amount of the highest Rate of Half Pay attached to the Rank in virtue of which he claims to receive

Rules to be observed in the Application of the Sum appropriated to Half Pay.

Half Pay, or as herein-after mentioned, nor in any such excepted Cases unless Her Majesty's special Approbation be signified as aforesaid, and the Officer claiming the Half Pay in pursuance of such Approbation shall signify in his Declaration the Civil Place or Employment of Profit which he may hold or have held as aforesaid; but if the net annual Emoluments of such Civil Place or Employment shall exceed Three Times the Amount of Half Pay as aforesaid, and shall fall short of Four Times that Amount, then it shall be lawful for the Paymaster General, with Her Majesty's Approbation, signified by the Secretary at War as aforesaid, to issue, on or after the Twenty-fourth Day of *December* One thousand eight hundred and forty-one, so much of the Half Pay claimed by any such Officer as shall, together with the net annual Emoluments of the Civil Place or Employment, be equal to Four Times the Amount of such Half Pay, and the Officer claiming the Half Pay in pursuance of such Approbation shall specify in his Declaration the Civil Place or Employment of Profit which he may have held as aforesaid, and the actual Amount of the Emoluments thereof, in such Manner and Form, and calculated up to such Period or Periods, as shall be required by the Secretary at War; but no Person who after the Twenty-eighth Day of *July* One thousand eight hundred and twenty-eight has been appointed to any Civil Place or Employment of Profit (except in Her Majesty's Household) under Her Majesty, or in the Colonies or Possessions of Her Majesty beyond the Seas, or under any other Government, shall have or receive any Part of the same for any Time during which he shall hold any such Civil Place or Employment of Profit (except as aforesaid) under Her Majesty beyond the Seas, or under any other Government, other than that of a Barrack Master under the Master General and the Board of Ordnance, who shall, under the Restrictions before mentioned, be entitled to receive his Half Pay: Provided always, that nothing in this Act contained shall prevent any Person from receiving his Half Pay who shall be entitled to the same under any Act or Acts relating to the General or Local Militia, or the Yeomanry or Volunteers, but that every such Person shall receive the same according to the Provisions of any such Act or Acts; and also every Surgeon, Serjeant Major, Serjeant, Corporal, and Private, serving in the General or Local Militia, or in any Corps of Yeomanry or Volunteers in *Great Britain* or *Ireland*, may and shall receive any Half Pay, together with any Pay in the General or Local Militia, or Yeomanry or Volunteers, upon making and subscribing a Declaration in any Case in which an Oath or Declaration shall be required in and by any Act or Acts, or specified in any Warrant of Her Majesty, as the Case may be, and stating in such Declaration the Commission or Employment which he held in the General or Local Militia, the Yeomanry or Volunteers: Provided always, that from and after the First Day of *January* One thousand eight hundred and forty-two it shall be lawful for the Paymaster General to issue the Half Pay or any Portion thereof to any Officers appointed

Not to prevent the receiving of Half Pay under any Act relating to the General or Local Militia, &c.

Paymaster General, by Permission of the Treasury, may issue Half

to Civil Office or Employment under Her Majesty, or under any other Government, since the Twenty-eighth Day of *July* One thousand eight hundred and twenty-eight, if Her Majesty's Pleasure to that Effect be signified by the Commissioners of Her Majesty's Treasury, or any Three or more of them, through the Secretary at War, but such Permission to be granted under the Restrictions before mentioned: Provided always, that an Account shall be laid before Parliament in every Year on or before the First Day of *April*, if Parliament shall be then sitting, or if Parliament shall not then be sitting on the First Day of the sitting of Parliament after the First Day of *April*, of the Number of Officers who are allowed to receive their Half Pay with Civil Employments, specifying the Names of such Officers, with the respective Amounts of their Half Pay and the Emoluments of their respective Civil Employments, and distinguishing in every such Account the Officers to whom such Half Pay shall have been allowed subsequent to preceding Accounts.

Pay to Officers appointed to Civil Offices since July 1828.

An Account of the Number of Officers so receiving Half Pay to be laid before Parliament.

XXIII. Provided always, and be it enacted, That it shall be lawful for the Commissioners of Her Majesty's Treasury, or any Three or more of them, for the Time being, to authorize the receiving Half Pay by Military Officers with Civil Employments in any Cases in which the said Commissioners shall be of opinion that the Employment of such Military Officers in the Colonies or elsewhere, in Civil Situations of Responsibility, with small Emoluments, will be conducive to Economy, and thereby beneficial to the Public Service; and in every such Case the Officer authorized to receive Half Pay with the Salary or Emolument of any Civil Employment shall signify the same in his Declaration, specifying the Office, and the Authority under which he is so allowed to receive his Half Pay.

Treasury may authorize Military Officers in Civil Employments to receive Half Pay in certain Cases.

XXIV. ' And whereas a considerable Part of the Money appropriated on account of Half Pay by an Act passed in the Second and Third Years of the Reign of Her present Majesty intituled *An Act to apply a Sum out of the Consolidated Fund, and the Surplus of Ways and Means, to the Service of the Year One thousand eight hundred and forty, and to appropriate the Supplies granted in this Session of Parliament*, has been issued without requiring, by Persons issuing or paying, and without the taking by the Persons receiving Half Pay, the Oaths or Declarations prescribed to be taken by Officers claiming Half Pay; and Part of the said Monies has been paid to Officers claiming or entitled to Half Pay who at the same Time held and may still hold the Situation of and serve respectively as Surgeons, Serjeant Majors, Serjeants, Corporals, or Privates in the General or Local Militia, or Yeomanry or Volunteer Corps, in *Great Britain* or *Ireland*; and it is expedient that all such Persons should be indemnified: Be it therefore enacted, That all Persons concerned in the advising, authorizing, or directing the issuing, or in the issuing of any Half Pay, or any Monies for Half Pay, or in the Application of any Money appropriated by the said Act for that Purpose, or in receiving or being concerned in the receiving any Portion of

2 & 3 Vict. c. 89.

Persons concerned in issuing, paying, and receiving Money for the Payment of Half Pay, without the Oaths

having been taken as required, indemnified.

the Money so appropriated for such Half Pay, without requiring or taking the said Oath or Declaration, or to or on account of any such Officers or Persons as aforesaid, shall be and are hereby fully exonerated and discharged from all Penalties, Forfeitures, Prosecutions, or Proceedings, in respect of any thing done in relation thereto, in all Cases in which such Half Pay, or Payment for or in respect of Half Pay, shall have been or may hereafter be issued or received in conformity with the Provisions of the said recited Act or this Act, and the Usages heretofore established and observed in relation to the issuing, paying, and receiving of Half Pay in all other respects, except so far as relates to the demanding, requiring, or taking the said Oaths or Declarations; and all such Payments and Issues of Half Pay which shall have been or may be issued to any such Person as aforesaid shall be deemed valid and effectual Payments, and the Paymaster General, and all other Persons concerned in the issuing and paying the same, shall be and are hereby fully indemnified, and shall be and are hereby fully discharged and exonerated in respect thereof in all Accounts relating to such Issues and Payments; any thing in any Act or Acts, or any Laws, Rules, or Regulations, relating to the issuing and paying of Half Pay, to the contrary notwithstanding.

Half Pay allowed to the Officers of the *Manx* Fencibles.

XXV. ' And whereas the Royal Regiment of *Manx* Fencibles engaged to serve in the said Corps upon a Stipulation contained in the Letter of Service under which they were raised, that they should be allowed to receive any Half Pay to which they might be entitled, notwithstanding their holding Subaltern Commissions in the said Corps; but no Provision has been made by Parliament for Payment of such Half Pay; and it is therefore expedient that Provision should be now made for the Arrears of Half Pay to such Officers as aforesaid: Be it therefore enacted, That Officers who were entitled to Half Pay, and who accepted or held Subaltern Commissions in the Royal Regiment of *Manx* Fencibles, shall, notwithstanding their having held the full Pay of such Commissions, be entitled to receive the Arrears of such Half Pay for any Year or Time in which they shall not have been allowed to receive the same, upon making and subscribing a Declaration before any Person hereby authorized to administer a Declaration to Persons for the Purpose of receiving Half Pay, that they had not, in any Year or Time for which such Arrear is claimed, any Office or Employment of Profit, Civil or Military, under Her Majesty, besides their Allowance of Half Pay, save and except their Pay as such Subaltern Officers of the Royal Regiment of *Manx* Fencibles; and the making and subscribing the said Declaration shall, without making and subscribing any other Declaration, be sufficient to entitle such Officer to receive his Half Pay.

Half Pay Allowances to Chaplains of Regiments not being in possession.

XXVI. ' And whereas Chaplains of Regiments who have been placed upon Half Pay have not been allowed to receive such Half Pay in some Years, in consequence of being in possession at the Time of certain Ecclesiastical Benefices or Preferments,

‘ Preferments, though the same were not in the Patronage of the Crown: And whereas it has been judged fair and reasonable that they should be allowed to receive such Half Pay, though in possession of Ecclesiastical Preferment, provided the same was private Patronage, and not derived from the Crown, and that they should also be entitled to receive the Arrears of Half Pay for such former Years as aforesaid:’ Be it therefore enacted, That all Chaplains who, after having been placed upon Half Pay, shall have been refused or been unable to receive such Half Pay in any Year, in consequence of holding any Ecclesiastical Benefice, not derived from or in the Gift of the Crown, shall be entitled to receive the Arrears of such Half Pay for such Year, upon making and subscribing a Declaration before the proper Officer for administering Declarations to Persons for entitling them to receive Half Pay, that they held no Ecclesiastical Benefice or Preferment in any Year derived from the Crown, nor any Place or Employment of Profit under Her Majesty; and the making and subscribing the said Declaration shall, without making and subscribing any other Declaration, be sufficient to entitle such Chaplain to receive his Half Pay.

tion of Ecclesiastical Benefices derived from the Crown.

XXVII. ‘ And whereas by the said recited Act passed in the Third and Fourth Years of the Reign of Her present Majesty the several Supplies which had been granted to Her Majesty as therein mentioned were appropriated to the several Uses and Purposes therein expressed, amongst which any Sum or Sums of Money not exceeding Five hundred and five thousand five hundred Pounds in the whole was appropriated to be paid on account of Half Pay for the Year One thousand eight hundred and forty, subject nevertheless to such Rules to be observed in the Application of the said Half Pay as in and by the said aforesaid Act were prescribed in that Behalf:’ Now it is hereby provided, enacted, and declared, That so much of the said Sum of Five hundred and five thousand five hundred Pounds as is or shall be more than sufficient to satisfy the said Reduced Officers, according to the Rules to be observed in the Application thereof, or any Part of such Overplus, shall and may be disposed of to such Officers who are maimed or have lost their Limbs in the late War, or such others as, by reason of their long Service, or otherwise, Her Majesty shall judge to be proper Objects of Charity, or to the Widows or Children of such Officers, according to such Warrant or Warrants under Her Majesty’s Royal Sign Manual as shall be signed in that Behalf; any thing in this Act or the said Act to the contrary notwithstanding.

By 3 & 4 Vict. c. 112. a Sum was appropriated to be paid to Half Pay Officers, the Surplus of which is hereby authorized to be disposed of as Her Majesty shall direct.

XXVIII. And as to the Sum of One hundred forty-one thousand and forty-eight Pounds by this Act appropriated for defraying the Charge of Pensions to be paid to the Widows of Officers of Her Majesty’s Land Forces as aforesaid, and as to the Sum of One hundred and twenty-four thousand Pounds by this Act appropriated for defraying the Charge of Allowances on the Compassionate List, of Allowances as of Her Majesty’s

Widows and Persons claiming Pensions shall make the required Declaration.

Majesty's Royal Bounty, and of Pensions to Officers for Wounds, as aforesaid, it is hereby enacted and declared, That no Widow of an Officer of the Land Forces, and no Person claiming an Allowance on the Compassionate List, or of Allowances as of Her Majesty's Royal Bounty, shall have or receive any Part of the same without making and subscribing a Declaration to such Purport and Effect as shall be required in that Behalf by Her Majesty's Warrant directing the Issue of such Pensions and Allowances so to be received.

Declarations
to be made as
specified in
5 & 6 W. 4. c. 62.

XXIX. And be it enacted, That every such Declaration shall and may be made and subscribed before any One or more of Her Majesty's Justices of the Peace, or before the resident Minister of the Established Church in any Parish in *England, Scotland, or Ireland*, or before any of the Persons appointed to examine Vouchers in the Office of the Paymaster General, in the Manner, and under the Pains, Penalties, and Forfeitures, specified in an Act passed in the Fifth and Sixth Years of the Reign of His said late Majesty, for the Abolition of unnecessary Oaths.

CAP. LIV.

An Act to continue until the First Day of *January* One thousand eight hundred and forty-four an Act of the last Session of Parliament, for continuing an Act for amending and extending the Provisions of an Act of the First Year of Her present Majesty, for exempting certain Bills of Exchange and Promissory Notes from the Operation of the Laws relating to Usury. [22d June 1841.]

3 & 4 Vict. c. 83.

‘ **W**HEREAS an Act was passed in the Third and Fourth
‘ Years of Her present Majesty, intituled *An Act to con-*
‘ *tinue until the First Day of January One thousand eight hundred*
‘ *and forty-three an Act of the last Session of Parliament, for*
‘ *amending and extending the Provisions of an Act of the First*
‘ *Year of Her present Majesty, for exempting certain Bills of Ex-*
‘ *change and Promissory Notes from the Operation of the Laws*
‘ *relating to Usury; and it is expedient that the same should*
‘ *be continued for a longer Period:* Be it therefore enacted
by the Queen's most Excellent Majesty, by and with the Advice
and Consent of the Lords Spiritual and Temporal, and Com-
mons, in this present Parliament assembled, and by the Autho-
rity of the same, That the said recited Act shall be continued
until the First of *January* One thousand eight hundred and
forty-four.

Recited Act
continued till
1st Jan. 1844.

CAP. LV.

An Act further to continue, until the First Day of *April* One thousand eight hundred and forty-two, an Act of the Third and Fourth Year of the Reign of Her present Majesty, intituled *An Act to amend the Laws relating to Loan Societies.*

546 V 5

[22d June 1841.]

‘ WHEREAS an Act was passed in the Third and Fourth
 ‘ Years of Her present Majesty’s Reign, intituled *An Act*
 ‘ *to amend the Laws relating to Loan Societies*: And whereas it
 ‘ is provided that this Act shall continue in force until the
 ‘ Thirty-first Day of *December* One thousand eight hundred
 ‘ and forty-one: And whereas it is expedient further to con-
 ‘ tinue the same:’ Now be it enacted by the Queen’s most
 Excellent Majesty, by and with the Advice and Consent of the
 Lords Spiritual and Temporal, and Commons, in this present
 Parliament assembled, and by the Authority of the same,
 That the said recited Act shall be further continued to the
 First of *April* One thousand eight hundred and forty-two, and
 to the End of the then Session of Parliament.

3&4 Vict. c. 110:

Recited Act
further con-
tinued until
1st April 1842.

CAP. LVI.

An Act for taking away the Punishment of Death in certain Cases, and substituting other Punishments in lieu thereof.

647 V 10

[22d June 1841.]

‘ WHEREAS it is expedient to alter and amend various
 ‘ Statutes now in force in that Part of the United King-
 ‘ dom called *England* relative to certain Offences by the said
 ‘ Statutes now punishable with Death: And whereas by an
 ‘ Act passed in the Fifteenth Year of the Reign of His late
 ‘ Majesty King *George* the Second, intituled *An Act for estab-*
 ‘ *lishing an Agreement with the Governor and Company of the Bank*
 ‘ *of England for advancing the Sum of One million six hundred*
 ‘ *thousand Pounds towards the Supply for the Service of the Year*
 ‘ *One thousand seven hundred and forty-two*, it was among other
 ‘ things enacted, that if any Officer or Servant of the said
 ‘ Company, being intrusted with any Note, Bill, Dividend
 ‘ Warrant, Bond, Deed, or any Security, Money, or other
 ‘ Effects belonging to the said Company, or having any Bill,
 ‘ Dividend Warrant, Bond, Deed, or any Security or Effects
 ‘ of any other Person or Persons lodged or deposited with the
 ‘ said Company, or with him as an Officer or Servant of the
 ‘ said Company, should secrete, “embezil,” or run away with
 ‘ any such Note, Bill, Dividend Warrant, Bond, Deed, Secu-
 ‘ rity, Money, or Effects, or any of them, every Officer or
 ‘ Servant so offending, and being thereof convicted in due
 ‘ Form

15 G. 2. c. 15.
s. 12.Embezzlement
by Servant of
the Bank of
England of any
Note, Bill,
Dividend War-
rant, Bond,
Deed, &c. of
the Company.

35 G. 3. c. 66.
s. 6.

Embezzlement
by Servant of
Bank of Eng-
land of any
Note, Bill,
Dividend War-
rant, &c. relat-
ing to Irish
Annuities trans-
ferred to Bank
of England.

‘ Form of Law, should be deemed guilty of Felony, and should
 ‘ suffer Death as a Felon, without Benefit of Clergy: And
 ‘ whereas also by an Act passed in the Thirty-fifth Year of the
 ‘ Reign of His late Majesty King *George* the Third, intituled
 ‘ *An Act for making Part of certain Principal Sums or Stock and*
 ‘ *Annuities raised or created or to be raised or created by the Por-*
 ‘ *liament of the Kingdom of Ireland on Loans for the Use of the*
 ‘ *Government of that Kingdom transferrable, and the Dividends on*
 ‘ *such Stock and Annuities payable at the Bank of England, and*
 ‘ *for the better Security of the Proprietors of such Stock and Annui-*
 ‘ *ties, and of the Governor and Company of the Bank of England,*
 ‘ it was among other things enacted, that if any Officer or
 ‘ Servant of the said Governor and Company of the Bank of
 ‘ *England*, being intrusted with any Note, Bill, Dividend War-
 ‘ rant, or Warrant for Payment of any Annuity or Interest or
 ‘ Money, or any Security, Money, or other Effects, of or be-
 ‘ longing to the said Governor and Company, or having any
 ‘ Note, Bill, Dividend Warrant, or Warrant for Payment of any
 ‘ Annuity or Interest or Money, or any Security, Money, or
 ‘ other Effects, of any other Person or Persons, Body Politic
 ‘ or Corporate, lodged or deposited with the said Governor and
 ‘ Company, or with him as an Officer or Servant of the said
 ‘ Governor and Company, in pursuance of this Act, or of the
 ‘ due Execution thereof, should secrete, embezzle, or run away
 ‘ with any such Note, Bill, Dividend or other Warrant, Secu-
 ‘ rity, Money, or other Effects as aforesaid, or any Part thereof,
 ‘ every such Officer or Servant so offending should be deemed
 ‘ guilty of Felony, and should suffer Death as a Felon, without
 ‘ Benefit of Clergy: And whereas also by an Act passed in
 ‘ the Thirty-seventh Year of the Reign of His late Majesty
 ‘ King *George* the Third, intituled *An Act for making certain*
 ‘ *Annuities created by the Parliament of the Kingdom of Ireland*
 ‘ *transferrable, and the Dividends then payable at the Bank of*
 ‘ *England, and for the better Security of the Proprietors of such*
 ‘ *Annuities and of the Governor and Company of the Bank of Eng-*
 ‘ *land,* it was among other things enacted, that if any Officer
 ‘ or Servant of the said Governor and Company of the Bank
 ‘ of *England*, being intrusted with any Note, Bill, Dividend
 ‘ Warrant, or Warrant for Payment of any Annuity or Interest
 ‘ or Money, or any Security, Money, or other Effects, of or
 ‘ belonging to the said Governor and Company, or having any
 ‘ Note, Bill, Dividend Warrant, or Warrant for Payment of
 ‘ any Annuity or Interest or Money, or any Security, Money,
 ‘ or other Effects, of any other Person or Persons, Body Politic
 ‘ or Corporate, lodged or deposited with the said Governor and
 ‘ Company, or with him as an Officer or Servant of the said
 ‘ Governor and Company, in pursuance of this Act, or of the
 ‘ due Execution thereof, should secrete, embezzle, or run away
 ‘ with any such Note, Bill, Dividend or other Warrant, Secu-
 ‘ rity, Money, or other Effects, as aforesaid, or any Part
 ‘ thereof, every such Officer or Servant so offending should
 ‘ be deemed guilty of Felony, and should suffer Death as a
 ‘ Felon

37 G. 3. c. 46.
s. 6.

Embezzlement
by any Servant
of Bank of
England of any
Note, Bill, &c.
relating to cer-
tain other An-
nuities trans-
ferred to Bank
of England.

Felon without Benefit of Clergy: And whereas also by an Act passed in the Twenty-fourth Year of His late Majesty King George the Second, intituled *An Act for reducing the Interest upon the Capital Stock of the South Sea Company from the Time and upon the Terms therein mentioned, and for preventing of Frauds committed by the Officers and Servants of the said Company*, it was among other things enacted, that if any Officer or Servant of the said Company, being intrusted with any Note, Bill, Dividend Warrant, Bond, Deed, or any Security, Money, or other Effects belonging to the said Company, or having any Bill, Dividend Warrant, Bond, Deed, or any Security, Money, or Effects of any other Person or Persons lodged or deposited with the said Company, or with him as an Officer or Servant of the said Company, should secrete, "embezil," or run away with any such Note, Bill, Dividend Warrant, Bond, Deed, Security, Money, or Effects, or any Part of them, every Officer or Servant so offending, and being thereof convicted in due Form of Law, should be deemed guilty of Felony, and should suffer Death as a Felon, without Benefit of Clergy: And whereas also by an Act passed in the Fifty-fifth Year of His late Majesty King George the Third, intituled *An Act for repealing the Stamp Duties on Deeds, Law Proceedings, and other written or printed Instruments, and the Duties on Fire Insurances, and on Legacies, and Successions and Personal Estates upon Intestacies, now payable in Great Britain, and for granting other Duties in lieu thereof*, it was among other things enacted, that if any Person should privately and secretly use any Stamp or Die which should have been provided, made, or used in pursuance of that Act, or of any former Act or Acts relating to any Stamp Duty or Duties, with intent to defraud His Majesty, His Heirs or Successors, of any of the said Duties, or any Part thereof, or if any Person should fraudulently cut, tear, or get off, or cause or procure to be cut, torn, or got off, the Impression of any Stamp or Die which should have been provided, made, or used, in pursuance of that or any former Act, for expressing or denoting any Duty or Duties under the Care and Management of the Commissioners of Stamps, or any Part of such Duty or Duties, from any Vellum, Parchment, or Paper whatsoever, with Intent to use the same for or upon any other Vellum, Parchment, or Paper, or any Instrument or Writing, charged or chargeable with any of the Duties thereby granted, then and in every such Case every Person so offending, and every Person knowingly and wilfully aiding, abetting, or assisting any Person or Persons in committing any such Offence as aforesaid, and being thereof lawfully convicted, should be adjudged guilty of Felony, and should suffer Death as a Felon, without the Benefit of Clergy: And whereas also by an Act passed in the Fifty-fifth Year of the Reign of His said late Majesty King George the Third, intituled *An Act for repealing the Stamp Office Duties on Advertisements, Newspapers, Gold and Silver Plate, Stage Coaches, and Licences for keeping*

24 G. 2. c. 11.
s. 3.

Embezzlement
by Servant of
South Sea
Company of
Notes, Bills, &c.
of Company.

55 G. 3. c. 184
s. 7.

Stamp Duties
on Deeds.

55 G. 3. c. 185.
s. 7.

Stamp Duties
on Gold and
Silver Plate.

' Stage

‘ *Stage Coaches, now payable in Great Britain, and for granting*
 ‘ *new Duties in lieu thereof,* it was among other things enacted,
 ‘ that if any Person should transpose or remove, or cause to
 ‘ be transposed or removed, from one Piece of Gold or Silver
 ‘ Plate to another, or to any Vessel or Ware of base Metal, any
 ‘ Impression made with any Mark, Stamp, or Die, which should
 ‘ have been proved, made, or used, in pursuance of that or any
 ‘ former Act, for the Purpose of marking or stamping of any
 ‘ such Gold or Silver Plate as aforesaid, or if any Person should
 ‘ sell, exchange, or expose to Sale, or export out of *Great*
 ‘ *Britain,* any such Gold or Silver Plate, or any Vessel or
 ‘ Ware of base Metal, having thereupon any Impression of any
 ‘ Mark, Stamp, or Die which should have been transposed or
 ‘ removed from any other Piece of Plate as aforesaid, knowing
 ‘ the same respectively to be transposed or removed as afore-
 ‘ said, or if any Person should privately and secretly use any
 ‘ Mark, Stamp, or Die so provided, made, or used as aforesaid,
 ‘ with intent to defraud His Majesty, His Heirs or Successors,
 ‘ then every Person so offending, and every Person knowingly
 ‘ and wilfully aiding, abetting, and assisting any Person or
 ‘ Persons in committing any such Offence as aforesaid, and
 ‘ being thereof lawfully convicted, should be adjudged guilty of
 ‘ Felony, and should suffer Death as a Felon, without Benefit
 ‘ of Clergy: And whereas by an Act passed in the Sixth Year
 ‘ of the Reign of King *George the Fourth,* intituled *An Act for*
 ‘ *further regulating the Payment of the Salaries and Pensions to*
 ‘ *the Judges of His Majesty’s Courts in India, and the Bishop of*
 ‘ *Calcutta; for authorizing the Transportation of Offenders from*
 ‘ *the Island of Saint Helena; and for more effectually providing*
 ‘ *for the Administration of Justice in Singapore and Malacca, and*
 ‘ *certain Colonies on the Coast of Coromandel,* it is among other
 ‘ things enacted, that if any Offender sentenced or ordered by
 ‘ the Governor and Council of the Island of *Saint Helena* to be
 ‘ transported from the said Island to any such Place as is therein
 ‘ mentioned or referred to should return to the said Island of
 ‘ *Saint Helena,* or come into any of the Territories or Acqui-
 ‘ sitions of His Majesty, or of the United Company of Mer-
 ‘ chants of *England* trading to the *East Indies* in the *East Indies,*
 ‘ or shall come into any Part of *Great Britain* or *Ireland,* before
 ‘ the End of the Term for which he or she should be so sen-
 ‘ tenced or ordered to be transported as aforesaid, he or she
 ‘ so returning or coming as aforesaid should be liable to be
 ‘ punished as a Person attainted of Felony without Benefit of
 ‘ Clergy, and that Execution should and might be awarded
 ‘ against such Offender accordingly: And whereas it is expe-
 ‘ dient that the said several Offences should no longer be
 ‘ punishable with Death:’ Be it therefore enacted by the
 Queen’s most Excellent Majesty, by and with the Advice and
 Consent of the Lords Spiritual and Temporal, and Commons,
 in this present Parliament assembled, and by the Authority of
 the same, That from and after the Commencement of this Act,
 if any Person shall be convicted of any of the Offences herein-
 before

6 G. 4. c. 35.
s. 18.

Returning from
Transportation.

Certain
Offences of
Forgery and

before specified, such Person shall not be subject to any Sentence, Judgment, or Punishment of Death, but shall, instead of the Sentence or Judgment in and by the said several Acts herein-before recited ordered to be given or awarded against Persons convicted of the said Offences, or any of them respectively, be liable, at the Discretion of the Court, to be transported beyond the Seas for the Term of the natural Life of such Person, or for any Term not less than Seven Years, or to be imprisoned for any Time not exceeding Three Years.

Embezzlement
not to be
punishable with
Death.

Punishment.

II. ' And whereas by an Act passed in the Eighth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for consolidating and amending the Laws in England relative to malicious Injuries to Property*, it was amongst other things enacted, that if any Persons riotously and tumultuously assembled together to the Disturbance of the public Peace should unlawfully and with Force demolish, pull down, or destroy, or begin to demolish, pull down, or destroy, any Church or Chapel, or any Chapel for the Religious Worship of Persons dissenting from the United Church of *England* and *Ireland*, duly registered or recorded, or any House, Stable, Coach-house, Outhouse, Warehouse, Office, Shop, Mill, Malthouse, Hop-oast, Barn, or Granary, or any Building or Erection used in carrying on any Trade or Manufacture, or any Branch thereof, or any Machinery, where fixed or moveable, prepared for or employed in any Manufacture or in any Branch thereof, or any Steam Engine or other Engine for sinking, draining, or working any Mine, or any Staith, Building, or Erection used in conducting the Business of any Mine, or any Bridge, Waggon-way, or Trunk for conveying Minerals from any Mine, every such Offender should be deemed guilty of Felony, and being convicted thereof should suffer Death as a Felon; and that in case of every Felony punishable under that Act every Principal in the Second Degree, and every Accessory before the Fact, should be punishable with Death or otherwise, in the same Manner as the Principal in the First Degree was by that Act punishable: And whereas it is expedient that the said last-mentioned Offences should be no longer punishable with Death; be it therefore enacted, That from and after the Commencement of this Act, if any Person shall be convicted of any of the said Offences herein-before last specified, whether as Principal, or as Principal in the Second Degree, or as Accessory before the Fact, such Person shall not be subject to any Sentence, Judgment, or Punishment of Death, but shall, instead of the Sentence or Judgment in and by the said Act herein-before last-recited ordered to be given or awarded against Persons convicted of the said last-mentioned Offences, or any of them respectively, be liable, at the Discretion of the Court, to be transported beyond the Seas for any Term not less than Seven Years, or to be imprisoned for any Time not exceeding Three Years.

7 & 8 G. 4. c. 30.
s. 8.

Riotous Demolition of Churches, Houses, &c. not to be punishable with Death.

Punishment.

III. ' And

9 G. 4. c. 31.
ss. 16. and 17.
Rape, &c. not
to be punishable
with Death.

III. ' And whereas also by an Act passed in the Ninth Year
' of the Reign of His said late Majesty King *George* the Fourth,
' intituled *An Act for consolidating and amending the Statutes in*
' *England relative to Offences against the Person*, it was amongst
' other things enacted, that every Person convicted of the Crime
' of Rape should suffer Death as a Felon, and that if any Per-
' son should unlawfully and carnally know and abuse any Girl
' under the Age of Ten Years, every such Offender should be
' guilty of Felony, and being convicted thereof should suffer
' Death as a Felon: And whereas it is expedient that the said
' several Offences herein-before last specified should no longer
' be punishable with Death; be it therefore enacted, That
' from and after the Commencement of this Act, if any Person
' shall be convicted of any of the said Offences herein-before last
' specified, such Person shall not be subject to any Sentence,
' Judgment, or Punishment of Death, but shall, instead of the
' Sentence or Judgment in and by the said Act herein-before
' last recited ordered to be given or awarded against Persons
' convicted of the said last-mentioned Offences, or any of them
' respectively, be liable to be transported beyond the Seas for the
' Term of his natural Life.

Punishment.

Imprisonment
may be with or
without hard
Labour.

IV. And be it enacted, That in awarding the Punishment
of Imprisonment for any Offence punishable under this Act, it
shall be lawful for the Court to direct such Punishment to be
with or without hard Labour in the Common Gaol or House
of Correction, and also to direct that the Offender shall be kept
in solitary Confinement for any Portion or Portions of such
Imprisonment, whether the same be with or without hard
Labour, not exceeding One Month at any One Time, and not
exceeding Three Months in any One Year, as to the Court in its
Discretion shall seem meet.

Act not to alter
5 & 6 W. 4. c. 38.
or 4 G. 4. c. 64.

V. And be it enacted, That nothing in that Act contained
shall be construed to extend to the Alteration or Repeal of any
of the Powers, Provisions, or Regulations contained in an Act
passed in the Fifth and Sixth Years of the Reign of His late
Majesty King *William* the Fourth, intituled *An Act for effecting*
greater Uniformity of Practice in the Government of the several
Prisons of England and Wales, and for appointing Inspectors of
Prisons in Great Britain, or in an Act passed in the Fourth
Year of His Majesty King *George* the Fourth, intituled *An Act*
for consolidating and amending the Laws relating to the building,
repairing, and regulating of certain Gaols and Houses of Correction
in England and Wales.

Offences not to
be tried at
Sessions.

VI. And be it enacted, That none of the Offences herein-
before specified shall be tried or triable before any Justices of the
Peace at any General or Quarter Sessions of the Peace.

Commencement
of Act.

VII. And be it enacted, That this Act shall commence and
take effect on the First Day of *October* One thousand eight
hundred and forty-one.

CAP. LVII.

An Act for the Prevention of Bribery at Elections.

[22d June 1841.]

‘ WHEREAS the Laws in being are not sufficient to hinder corrupt and illegal Practices in the Election of Members to serve in Parliament;’ be it enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That whenever any Charge of Bribery shall be brought before any Select Committee of the House of Commons appointed to try and determine the Merits of any Return or Election of a Member or Members to serve in Parliament, the Committee shall receive Evidence upon the whole Matter whereon it is alleged that Bribery has been committed; neither shall it be necessary to prove Agency, in the first instance, before giving Evidence of those Facts whereby the Charge of Bribery is to be sustained; and the Committee in their Report to the House of Commons shall separately and distinctly report upon the Fact or Facts of Bribery which shall have been proved before them, and also whether or not it shall have been proved that such Bribery was committed with the Knowledge and Consent of any sitting Member or Candidate at the Election.

Evidence of
Bribery to be
given on the
whole Matter
without first
proving Agency.

CAP. LVIII.

An Act to amend the Law for the Trial of controverted Elections.

[22d June 1841.]

‘ WHEREAS an Act was passed in the Session holden in the Second and Third Years of the Reign of Her present Majesty, intituled *An Act to amend the Jurisdiction for the Trial of Election Petitions*: And whereas the Provisions of the said Act have been found in some respects defective, and it is expedient therefore to repeal the said Act, and to enact as follows:’ Be it enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Act shall be and the same is hereby repealed, except as to Things done or Proceedings commenced under the same before the passing of this Act, and which may be dealt with or proceeded in, and shall have the same Effect, as if the said Act had not been repealed.

58d 4c/13
60j 4c/47
2 & 3 Vict. c. 38.

Recited Act
repealed.

II. And be it enacted, That an Act passed in the Ninth Year of the Reign of King George the Fourth, intituled *An Act to consolidate and amend the Laws relating to the Trial of controverted Elections or Returns of Members to serve in Parliament*, and also so much of an Act passed in the Forty-second Year of the

Suspension of
9 G. 4. c. 22.
and Part of
42 G. 3. c. 106.
and 47 G. 3.
c. 14.

Reign of King George the Third, intituled *An Act for regulating the Trial of controverted Elections or Returns of Members to serve in the United Parliament for Ireland*, and also so much of an Act passed in the Forty-seventh Year of the Reign of King George the Third, intituled *An Act to amend several Acts for regulating the Trial of controverted Elections or Returns of Members to serve in Parliament, so far as the same relate to Ireland*, as requires the Parties appearing before any Select Committee to interchange before the said Committee Lists of the Votes and Names of Voters to which either of the Parties purposes and intends to object, and Statements in Writing respecting the Matters which either of the said Parties mean to insist upon, contend for, or to object to, or as provides that no Witness shall be called or examined to any thing not specified in such Lists or Statements, shall be suspended, and be of no force and effect until the End of the Second Session of the First Parliament which may be called after the Dissolution of this present Parliament, except as to any thing done under either of the said Acts; but this Enactment shall not revive any Act, or Part of any Act, repealed by the secondly-recited Act.

What shall be deemed Election Petitions.

III. And be it enacted, That every Petition which shall be presented to the House of Commons within such Time as shall be from Time to Time limited by the House, complaining of an undue Election or Return of a Member or Members to serve in Parliament, or complaining that no Return has been made to any Writ issued for the Election of any Member or Members to serve in Parliament on or before the Day on which such Writ is made returnable, or, if such Writ be issued during any Session or Prorogation of Parliament, that no Return has been made to the same within Fifty-two Days after the Day on which such Writ bears Date, or that any Return is not according to the Requisition of the Writ, or complaining of the special Matters contained in any such Return, shall be deemed an Election Petition; but no Election Petition shall be received by the House unless at the Time it is presented it shall be subscribed by some Person claiming therein to have had a Right to vote at the Election to which the same shall relate, or to have had a Right to be returned or elected thereat, or alleging himself to have been a Candidate at the Election.

Recognizances to be entered into by Petitioners.

IV. And be it enacted, That before any Election Petition shall be presented to the House, the Person or Persons subscribing the same, or some One or more of them, shall personally enter into a Recognizance to our Sovereign Lady the Queen, according to the Form given in the Schedule (A.) to this Act annexed, for the Sum of One thousand Pounds, with One, Two, Three, or Four sufficient Sureties, either in the same Recognizance or in separate Recognizances, for the additional Sum of One thousand Pounds, in a Sum or Sums of not less than Two hundred and fifty Pounds each, for the Payment of all Costs and Expences which any Committee of the House selected to try such Petition in the Manner herein-after provided shall adjudge to be payable by the Person or Persons subscribing the said

said Petition, and also for the Payment of all Costs and Expences which shall become due from the Person or Persons subscribing such Petition to any Witness summoned in his or their Behalf, or to any Party who shall appear in opposition to such Petition, in case such Petition shall be withdrawn as herein-after allowed.

V. And be it enacted, That every Person who shall enter into any such Recognizance as Surety for any other Person shall testify upon Oath in Writing, to be sworn at the Time of entering into the said Recognizance, and before the same Person by whom his Recognizance shall be taken, that he is seised or possessed of Real or Personal Estate, or both, above what will satisfy his Debts, of the clear Value of the Sum for which he shall be bound by his said Recognizance, and every such Affidavit shall be annexed to the Recognizance; and that in every such Recognizance shall be mentioned the Name and usual Place of Residence of the Persons proposed to become Sureties as aforesaid, with such other Description of the proposed Sureties as may be sufficient to identify them easily.

Sureties to make Affidavits of Sufficiency and to be described.

VI. And be it enacted, That the Speaker of the House of Commons shall appoint a fit Person to be Examiner of Recognizances; and every Person so appointed shall hold his Office during the Pleasure of the Speaker, and shall execute the Duties of his Office conformably to such Directions as he may from Time to Time receive from the Speaker.

Examiner of Recognizances to be appointed.

VII. And be it enacted, That in case of the Illness, temporary Disability, or unavoidable Absence of the Examiner of Recognizances, the Speaker may appoint a fit Person to perform the Duties of Examiner of Recognizances during such Illness, Disability, or Absence; and the Person so appointed shall, while performing such Duties, have all the Powers and be subject to all the Provisions herein contained concerning the Examiner of Recognizances.

Provision for temporary Disability of Examiner.

VIII. And be it enacted, That every Recognizance herein-before required shall be entered into, and every Affidavit herein-before required shall be sworn before the Examiner of Recognizances, or One of Her Majesty's Justices of the Peace; and the said Examiner, and also every Justice of the Peace, is hereby empowered to take the same; and every such Recognizance and Affidavit which shall be taken before a Justice, being duly certified under the Hand of the Justice before whom they shall have been taken, shall be delivered to the Examiner of Recognizances.

How Recognizances are to be entered into.

IX. Provided always, and be it enacted, That it shall be lawful for any Person by whom the said Petition shall be signed, instead of entering into a Recognizance for the full Amount of the Sums herein-before required, to pay into the Bank of *England*, on the Account of the Examiner of Recognizances as Trustee, for the like Purposes for which the Recognizance is herein-before required, any Amount of Money which he shall think fit, in a Sum or Sums not less than Two hundred and fifty Pounds each; and in such Case the Person by whom

Option of paying Money into the Bank instead of finding Security.

the Petition shall be signed shall still be required to enter into his personal Recognizance for the Sum of One thousand Pounds, but shall be required to find a Surety or Sureties as aforesaid for so much only of the additional Sum of One thousand Pounds as the Sum paid into the Bank shall fall short of the Sum of One thousand Pounds; and no Money shall be deemed, for the Purposes of this Act, to be paid into the Bank of *England* until a Bank Receipt for the same shall be procured and delivered to the Examiner of Recognizances.

Declaration of Trust.

X. And be it enacted, That in every Case in which Payment of any Money as aforesaid shall have been made into the Bank of *England*, the Examiner of Recognizances shall be bound in the first place, and in such Order of Payment as he in his Discretion shall think fit, to satisfy out of the said Money all the Costs and Expences for securing Payment of which such Investment was made, or so much thereof as can be thereby satisfied, and thereafter to transfer the Residue (if any), wholly discharged of the said Trust, to the Account of the Party by whom the same shall have been paid in.

No Petition to be received unless endorsed by the Examiner of Recognizances.

XI. And be it enacted, That no Election Petition shall be received unless, at the Time it is presented to the House, it shall be endorsed by a Certificate, under the Hand of the Examiner of Recognizances, that the Recognizance herein-before required has been entered into and received by him, with the Affidavits thereunto annexed; and, if the Recognizance shall not have been taken for the whole Amount, that the necessary Amount of Money has been paid into the Bank of *England* as herein-before required.

Names of Sureties to be kept in the Office of the Examiner of Recognizances.

XII. And be it enacted, That on or before the Day when any such Petition shall be presented to the House the Names and usual Places of Residence of the Sureties, when there are Sureties, shall be entered in a Book to be kept by the Examiner of Recognizances in his Office; and the said Book, and also the Recognizance and Affidavits, and Bank Receipt for any Money paid into the Bank of *England*, if any, shall be open to the Inspection of all Parties concerned.

Sureties may be objected to.

XIII. And be it enacted, That it shall be lawful for any sitting Member petitioned against, or for any Electors petitioning and admitted Parties to defend the Election or Return, to object to the Sureties, or any of them, who shall have entered into such Recognizance, on the Ground of Insufficiency, or that a Surety is dead, or that he cannot be found or ascertained from the Want of a sufficient Description in the Recognizance, or that a Person named in the Recognizance has not acknowledged the same; provided that the Ground of Objection shall be stated in Writing under the Hand of the objecting Party, or his or their Agent, and shall be delivered to the Examiner of Recognizances within Ten Days after the Presentation of the Petition if the Surety objected to reside in *England*, or within Fourteen Days after the Presentation of the Petition if the Surety objected to reside in *Scotland* or *Ireland*.

XIV. And

XIV. And be it enacted, That as soon as any such Statement of Objection shall be received by the Examiner of Recognizances, he shall put up an Acknowledgment thereof in some conspicuous Part of his Office, and shall appoint a Day for hearing such Objections, not less than Three and not more than Five Days from the Day on which he shall have received such Statement; and the Petitioner or Petitioners, and his or their Agent, shall be allowed to examine and take Copies of every such Objection.

Notice of Objections to be published in the Office of the Examiner, and Copies may be taken.

XV. And be it enacted, That at the Time appointed the Examiner of Recognizances shall inquire into the alleged Insufficiency of the Surety or Sureties objected to, on the Grounds stated in the Notice of Objection, but not on any other Ground; and for the Purpose of such Inquiry the Examiner of Recognizances is hereby authorized to examine upon Oath any Persons who may be tendered by either Party for Examination by him, and also to receive in Evidence any Affidavit relating to the Matter in dispute before him which shall be sworn before him, or before any Master of the High Court of Chancery or Justice of the Peace, each of whom is hereby authorized to take and certify such Affidavit; and the Examiner of Recognizances shall have Power, if he shall think fit, to adjourn the said Inquiry from Day to Day until he shall decide on the Validity of such Objection, and, if he shall think fit, to award Costs to be paid by either Party to the other, which Costs shall be taxed and recovered as herein-after provided for the Costs and Expenses of prosecuting or opposing Election Petitions; and the Decision of the Examiner of Recognizances shall be final and conclusive against all Parties.

Examiner of Recognizances to decide on the Objections.

XVI. And be it enacted, That if any Surety shall die, and his Death shall be stated as a Ground of Objection before the End of the Time allowed for objecting to the Sureties, it shall be lawful for the Petitioner to pay into the Bank of *England*, on the Account of the Examiner of Recognizances, the Sum for which the deceased Surety was bound; and upon the Delivery of a Bank Receipt for such Sum to the Examiner of Recognizances within Three Days after the Statement of such Objection, the Sureties shall be deemed unobjectionable, if no Ground of Objection shall be stated to any other of the Sureties within the Time before mentioned for stating Objections to Sureties.

In case of Death of a Surety, the Money may be paid into the Bank.

XVII. And be it enacted, That in case the Examiner of Recognizances shall have received any Statement of Objection to the Sureties, or any of them, to any such Election Petition, and shall have decided that such Sureties, or any of them, are objectionable, he shall forthwith report to the Speaker that such Sureties are objectionable; but if he shall have decided that such Sureties are unobjectionable, or in case he shall not have received any such Statement of Objection, then as soon as the Time herein-before allowed for stating any such Objection shall have elapsed after the Presentation of the Petition (or as soon thereafter as he shall have decided upon the Statement of Objection), the Examiner of Recognizances shall report to the

Examiner of Recognizances to report whether or not Sureties are objectionable.

Speaker that the Sureties to such Petition are unobjectionable; and he shall make out a List of all Election Petitions on which he shall have reported to the Speaker that the Sureties are unobjectionable, in which List the Petitions shall be arranged in the Order in which they shall be so reported upon; and a Copy of such List shall be kept in the Office of the Examiner of Recognizances, and shall be open to the Inspection of all Parties concerned.

How Petitions may be withdrawn.

XVIII. And be it enacted, That it shall be competent to the Petitioner or Petitioners, at any Time after the Presentation of the Petition, to withdraw the same, upon giving Notice in Writing under his Hand or their Hands, or under the Hand of his or their Agent, to the Speaker, and also to the sitting Member or his Agent, that it is not intended to proceed with the Petition; and in such Case the Petitioner or Petitioners shall be liable to the Payment of such Costs and Expences as may have been incurred by the sitting Member, to be taxed as herein-after provided.

Proceedings when the Seat becomes vacant, or the sitting Member declines to defend his Return.

XIX. And be it enacted, That if at any Time before the Appointment of a Select Committee to try any such Petition as herein-after provided, the Speaker of the House of Commons shall be informed, by a Certificate in Writing, subscribed by Two of the Members of the said House, of the Death of any sitting Member whose Election or Return is complained of in such Petition, or of the Death of any Member returned upon a double Return, whose Election or Return is complained of in such Petition, or that a Writ of Summons has been issued under the Great Seal of *Great Britain* to summon any such Member to Parliament as a Peer of *Great Britain*, or if the House of Commons shall have resolved that the Seat of any such Member is by Law become vacant, or if the House of Commons shall be informed, by a Declaration in Writing, subscribed by any such Member, and delivered to the Speaker within Fourteen Days after the Day on which any such Petition shall have been presented, that it is not the Intention of such Member to defend his Election or Return, in every such Case Notice thereof shall immediately be sent by the Speaker to the Sheriff or other Returning Officer for the County, City, Borough, District of Burghs, Port, or Place to which such Petition shall relate; and such Sheriff or other Returning Officer shall cause a true Copy of such Notice to be affixed on or near the Door of the County Hall or Town Hall, or of the Parish Church nearest to the Place where such Election has usually been held; and such Notice shall also be inserted, by Order of the Speaker, in one of the next Two *London Gazettes*.

Voters may become a Party to oppose the Petition.

XX. And be it enacted, That at any Time within Fourteen Days after the Day on which any Election Petition shall have been presented, or within Twenty-one Days after the Day on which any Notice shall have been inserted in the Gazette to the Effect that the Seat is vacant, or that the Member returned will not defend his Election or Return, or if either of the said Periods

Periods shall expire during a Prorogation of Parliament, or during an Adjournment of the House of Commons for the *Easter* or *Christmas* Holidays, then on or before the Second Day on which the House shall meet after such Prorogation or Adjournment, it shall be lawful for any Person or Persons claiming to have had a Right to vote at the Election to which the Petition shall relate to petition the House of Commons, praying to be admitted as a Party or Parties to defend such Return, or to oppose the Prayer of such Election Petition; and such Person or Persons shall thereupon be admitted as a Party or Parties, together with the sitting Member if he be then a Party against such Petition, or in the Room of such Member if he be not then a Party against the Petition, and shall be considered as such to all Intents and Purposes whatever; and every such Petition shall be referred by the House to the General Committee of Elections herein-after mentioned.

XXI. And be it enacted, That whenever the Member whose Election or Return is so complained of in such Petition shall have given Notice as aforesaid of his Intention not to defend the same, he shall not be afterwards allowed to appear or act as a Party against such Petition in any Proceedings thereupon, and he shall also be restrained from sitting in the House of Commons, or voting on any Question, until such Petition shall have been decided upon.

Members having given Notice of their Intention not to defend shall not be admitted as Parties.

XXII. And be it enacted, That at the Beginning of every Session of Parliament, on or at any Time before the Day after the last Day allowed by any Order or Resolution of the House of Commons then in force for questioning the Returns of Members to serve in Parliament, the Speaker of the House of Commons shall, by Warrant under his Hand, appoint Six Members of the House, who shall be willing to serve, and against whose Return no Petition shall be then depending, and none of whom shall be a Petitioner complaining of any Election or Return, to be Members of a Committee, which shall be called the General Committee of Elections; and every such Warrant shall be laid on the Table of the House, and, if not disapproved by the House in the course of the Three next Days on which the House shall meet for the Despatch of Business, shall take effect as an Appointment of such General Committee.

At the Beginning of every Session, the Speaker to appoint a General Committee.

XXIII. And be it enacted, That in case the House shall disapprove any such Warrant the Speaker shall, on or before the Third Day on which the House shall meet after such Disapproval, lay upon the Table of the House a new Warrant for the Appointment of Six Members, qualified as aforesaid, and so from Time to Time until Six Members shall have been appointed by a Warrant which shall not be disapproved by the House as aforesaid.

If the House disapprove the first Appointment, a new Appointment to be made.

XXIV. And be it enacted, That the Disapproval of the Warrant may be either general in respect of the Constitution of the whole Committee, or special in respect of any Member or Members named in the Warrant.

Disapproval may be general or special.

Members not disapproved by the House may be again named in the Warrant.

For what Time the Appointment shall be.

Cases of Vacancy to be made known to the House, and Proceedings suspended.

Cases in which the General Committee shall be dissolved.

How Vacancies shall be supplied and Re-appointments made.

Election Petitions to be referred to the General Committee.

XXV. And be it enacted, That the Speaker may, if he shall think fit, but shall not be bound, to name, in the second or any subsequent Warrant, all or any of the Members named in any former Warrant whose Appointment shall not have been specially disapproved by the House as aforesaid.

XXVI. And be it enacted, That after the Appointment of the General Committee every Member appointed shall continue to be a Member of the Committee until the End of that Session of Parliament, or until he shall cease to be a Member of the House of Commons, or until he shall resign his Appointment, or until the General Committee shall report that he is disabled by continued Illness from attending the Committee, or until the Committee shall be dissolved as herein-after provided.

XXVII. And be it enacted, That in every Case of Vacancy in the General Committee of Elections the Speaker, on the First Day on which the House shall meet after such Vacancy shall be known by him, shall make known the Vacancy to the House, and thereupon all Proceedings of the General Committee shall be suspended until the Vacancy shall be supplied as herein-after provided.

XXVIII. And be it enacted, That in case the General Committee of Elections shall at any Time report to the House of Commons that, by reason of the continued Absence of more than Two of its Members, or by reason of irreconcilable Disagreement of Opinion, the said Committee is unable to proceed in the Discharge of its Duties, or in case the House of Commons shall resolve that the General Committee of Elections be dissolved, the General Committee shall be thereby forthwith dissolved.

XXIX. And be it enacted, That every Appointment to supply a Vacancy in the General Committee, and every Re-appointment of the General Committee after the Dissolution thereof, shall be made by the Speaker by Warrant under his Hand, and laid upon the Table of the House on or before the Third Day on which the House shall meet after the Dissolution of the Committee, or Notification of the Vacancy, as the Case may be; and the Warrant shall be subject to the Disapproval of the House, in the like Manner as is herein-before provided in the Case of the first Warrant for the Appointment of the General Committee; and upon any Re-appointment of the General Committee the Speaker may re-appoint as many Members of the former Committee as he shall think fit, who shall then be willing and not disqualified to serve on it, but shall not be bound to re-appoint any of them.

XXX. And be it enacted, That all Election Petitions which shall be received by the House shall be referred by the House to the General Committee of Elections, for the Purpose of choosing Select Committees, as herein-after provided, to try such Petitions; and the Speaker shall communicate to the House and to the General Committee every Report by the Examiner of Recognizances to him concerning the Sureties

to any Election Petition, and also every Notice of the Death or Vacancy of the Seat of any Member petitioned against, or that it is not the Intention of such Member to defend his Election or Return, which shall be inserted by Order of the Speaker in the Gazette as herein-before provided; and in every Case in which any Election Petition shall be withdrawn, or the Examiner of Recognizances shall have reported to the Speaker that the Sureties are objectionable, the Order for referring such Petition to the General Committee of Elections shall be discharged, and no further Proceeding shall be had upon such Petition; and the General Committee of Elections shall suspend their Proceedings in the Matter of any Petition referred to by any Notice inserted in the Gazette as aforesaid, and shall not do any thing therein until after Twenty-one Days after the Day on which such Notice shall have been inserted in the Gazette, unless the Petition of some Person or Persons claiming to be admitted as a Party or Parties in the Room of such Member shall be sooner referred to them; and the General Committee shall make out a List of all Election Petitions in which the Examiner of Recognizances shall have reported to the Speaker that the Sureties are unobjectionable, and in which the Proceedings are not suspended, in which List the Petitions shall be arranged in the Order in which they shall have been so reported upon; and in every Case in which the Proceedings in any Petition inserted in such List shall be afterwards suspended the Petition shall be struck out of the List, and shall be again inserted at the Bottom of the List at the End of such Suspension of Proceedings.

XXXI. And be it enacted, That when more than One Election Petition relating to the same Election or Return shall be referred to the General Committee of Elections, they shall suspend their Proceedings in the Matter of all such Petitions until the Report of the Examiner of Recognizances upon each of such Petitions, or such of them as shall not have been withdrawn, shall be received by them; and upon Receipt of the last of such Reports they shall place such Petitions at the Bottom of the then List of Election Petitions, bracketted together, and such Petitions shall afterwards be dealt with as One Petition.

Provision for Cases where more than One Petition.

XXXII. And be it enacted, That the Speaker shall appoint the Time and Place of the first Meeting of the General Committee of Elections, and the Committee shall meet at the Time and Place so appointed; but no Member appointed or re-appointed to be of the General Committee of Elections shall act upon such Committee until he shall have been sworn at the Table of the House, by the Clerk or Clerk Assistant, truly and faithfully to perform the Duties belonging to a Member of the said Committee, without Fear or Favour, to the best of his Judgment and Ability.

Speaker to fix the Time and Place of first Meeting of Committee.

General Committee to be sworn.

XXXIII. And be it enacted, That no Business shall be transacted by or before the General Committee of Elections unless at the least Four Members of the General Committee shall

Members necessary to enable the Committee to act.

shall be then present together; and no Appointment of a Select Committee by the General Committee, to be made as herein-after provided, shall be of force unless at the least Four Members then present of the said General Committee shall agree in the Appointment.

Committee to regulate their own Proceedings.

XXXIV. And be it enacted, That, subject to the Provisions of this Act, the said Committee shall make Regulations for the Order and Manner of conducting Business to be transacted by and before them.

Clerk to keep Minutes of the Proceedings, to be laid before the House.

XXXV. And be it enacted, That the General Committee shall be attended by one of the Committee Clerks of the House, who shall be selected by the Clerk of the House of Commons for the Time being, and shall make a Minute of all the Proceedings of the Committee, in such Form and Manner as shall be from Time to Time directed by the Committee; and a Copy of the Minutes so kept shall be laid from Time to Time before the House of Commons.

During any Suspension the Speaker may adjourn any Business before the General Committee.

XXXVI. And be it enacted, That if, at the Time of the Dissolution or Suspension of all the Proceedings of the General Committee of Elections, there shall be any Business appointed to be transacted by or before such General Committee on any certain Day, it shall be lawful for the Speaker to adjourn the Transaction of such Business to such other Day as to the Speaker shall seem convenient, and so as often as the Case may happen.

Members wholly excused from serving.

XXXVII. And be it enacted, That every Member who shall be more than Sixty Years old shall be wholly excused from serving on Election Committees; provided that on or before the last Day allowed for questioning Returns of Members to serve in Parliament, or upon the reading over of the Names of such excused Members as herein-after mentioned, or upon his afterwards becoming entitled to make such Claim, he will claim to be excused, by declaring in his Place, or in Writing under his Hand, to be delivered to the Clerk at the Table, that he is more than Sixty Years old; but no Member shall be so excused who shall not claim to be excused before he shall be chosen to serve as herein-after provided.

Names of Members claiming to be excused to be called over.

XXXVIII. And be it enacted, That on the next Meeting of the House after the last Day allowed for questioning Returns of Members to serve in Parliament, the Clerk of the House of Commons shall read over the Names of all the Members who shall so have claimed to be excused.

Members temporarily excused from serving.

XXXIX. And be it enacted, That every Member who shall have Leave of Absence from the House shall be excused from serving on Election Committees during such Leave; and if any Member in his Place shall offer any other Excuse, either at the reading over the said Names, or at any other Time, the Substance of the Allegations shall be taken down by the Clerk, in order that the same may be afterwards entered on the Journals, and the Opinion of the House shall then be taken thereon; and if the House shall resolve that the said Member ought to be excused, he shall be excused from serving on Election Committees

mittees for such Time as to the House shall seem fit, but no Member shall be so excused who shall not claim to be excused before he shall be chosen to serve as herein-after provided; and every Member who shall have served on One Select Committee for trying an Election Petition, and who, within Seven Days after such Committee shall have made its final Report to the House, shall notify to the Clerk of the General Committee his Claim to be excused from so serving again, shall be excused during the Remainder of the Session, unless the House shall at any Time resolve, upon the Report of the General Committee, that the Number of Members who have not so served is insufficient; but no Member shall be deemed to have served on an Election Committee who on account of Inability or Accident shall have been excused from attending the same throughout.

XL. And be it enacted, That every Member whose Return shall not have been brought in for a Time exceeding that allowed for questioning the Returns of Members, or who shall be a Petitioner complaining of an undue Election or Return, or against whose Return a Petition shall be then depending, shall be disqualified to serve on Election Committees during the Continuance of such Ground of Disqualification; and every Member of any Select Committee appointed to try an Election Petition shall be disqualified to serve again on an Election Committee during Seven Days after the final Report of the Committee on which he so served.

Members temporarily disqualified from serving.

XLII. And be it enacted, That the Clerk shall make out an Alphabetical List of all the Members, omitting the Names of such Members as shall have claimed to be wholly excused from serving on Election Committees as aforesaid; and the Clerk shall also distinguish in such List the Name of every Member who shall be for a Time excused or disqualified, and shall also note in the List every Cause of such temporary Excuse or Disqualification, and the Duration thereof, and such List shall be printed and distributed with the Votes of the House, and the Names of all the Members so omitted shall be also printed and distributed with the Votes.

A corrected List, distinguishing the excused or disqualified Members, to be printed and distributed with the Votes.

XLIII. And be it enacted, That during Three Days next after the Day of the Distribution of such corrected List further Corrections may be made in such List by Leave of the Speaker, if it shall appear that any Name has been improperly left in or struck out of such List, or that there is any other Error in such List.

List may be further corrected during One Week.

XLIII. And be it enacted, That the List so finally corrected shall be referred to the General Committee of Elections, and the General Committee shall thereupon select, in their Discretion, Six, Eight, Ten, or Twelve Members, whom they shall think duly qualified, to serve as Chairmen of Election Committees; and the Members so selected shall be formed into a separate Panel, to be called the Chairmen's Panel, which shall be reported to the House; and while the Name of any Member shall be upon the Chairmen's Panel he shall not be liable or qualified to serve on an Election Committee, otherwise than as Chairman;

Selection of Members to serve as Chairmen of Election Committees.

Chairman; and that every Member who shall have been placed on the Chairmen's Panel shall be bound to continue upon it until the End of the Session, or until he shall sooner cease to be a Member of the House, or until, by the Leave of the House, he shall be discharged from continuing upon the Chairmen's Panel: Provided always, that every Member of the Chairmen's Panel who shall have served on One or more Election Committees, and who shall notify to the Clerk of the General Committee of Elections his Claim to be discharged from continuing upon the Chairmen's Panel, shall be so discharged accordingly; and every such Member shall be excused from serving upon any Election Committee, either as Chairman or otherwise, during the Remainder of the Session; but no Member of the Chairmen's Panel shall be deemed to have served on an Election Committee who on account of Inability or Accident shall have been excused from attending the same throughout.

List to be divided into Five Panels.

XLIV. And be it enacted, That after the Chairmen's Panel shall have been so as aforesaid selected, the General Committee shall divide the Members then remaining on such List into Five Panels, in such Manner as to them shall seem most convenient, but so nevertheless that each Panel may contain, as nearly as may be, the same Number of Members, and shall report to the House the Division so made by them; and the Clerk shall decide by Lot at the Table the Order of the Panels as settled by the General Committee, and shall distinguish each of them by a Number denoting the Order in which they shall have been drawn; and the Panels shall then be returned to the General Committee of Elections, and shall be the Panels from which all Members shall be chosen to serve on Election Committees.

General Committee to correct the Panels from Time to Time.

XLV. And be it enacted, That the General Committee of Elections shall correct the said Panels from Time to Time, by striking out of them the Name of every Member who shall cease to be a Member of the House, or who from Time to Time shall become entitled and shall claim as aforesaid to be wholly excused from serving on Election Committees, and by inserting in one of the Panels to be chosen by the General Committee, at their Discretion, the Name of every new Member of the House who shall not be entitled and claim as aforesaid to be wholly excused; and shall also from Time to Time distinguish, in the Manner aforesaid, in the said Panels, the Names of those Members who shall be for a Time excused or disqualified for any of the Reasons aforesaid; and the General Committee shall, as often as they shall think fit, report to the House the Panels as they shall then stand corrected; and as often as the General Committee of Elections shall report the said Panels to the House they shall be printed and distributed with the Votes of the House.

Power to transfer to another Panel the Names of Members obtaining

XLVI. And be it enacted, That when Leave of Absence for a limited Time shall have been granted by the House to any Member, it shall be lawful for the General Committee of Election to transfer the Name of such Member from the Panel

in which it shall have been placed to some other Panel subsequent in Rotation, if they shall think fit so to do, having regard to the Length of Time for which such Leave of Absence shall have been granted, and to the Number of Select Committees then about to be appointed.

Leave of Absence.

XLVII. And be it enacted, That whenever any Member of the Chairmen's Panel shall cease to be a Member of the House, or shall be, by Leave of the House, discharged from continuing upon the Chairmen's Panel, or shall be so discharged by reason of Service, under the Provision herein-before contained, the General Committee shall forthwith select another Member to be placed upon the Chairmen's Panel in his Room; and in case it shall at any Time appear to the General Committee that the Chairmen's Panel is too small, it shall be lawful for the General Committee to select Two, Four, or Six additional Members to place upon it, so nevertheless that the Chairmen's Panel shall not at any Time consist of more than Eighteen Members without the Leave of the House first obtained.

For supplying Vacancies, and increasing the Chairmen's Panel.

XLVIII. And be it enacted, That it shall be lawful for the Members who are upon the Chairmen's Panel from Time to Time to make such Regulations as they may find convenient for securing the Appointment or Selection of Chairmen of Election Committees, and for distributing the Duties of Chairman among all of them.

Members upon Chairmen's Panel to make Regulations.

XLIX. And be it enacted, That the General Committee of Elections shall from Time to Time determine how many Committees shall be chosen in each Week for trying the Election Petitions which then stand referred to them in which the Sureties shall have been reported unobjectionable, and the Day or Days on which they will meet for choosing such Committees, which they shall choose in the same Order in which the Petitions stand in the List aforesaid, having regard to the Number of Select Committees which may then be sitting for the Trial of Election Petitions, and to the whole Number of such Committees then to be appointed; and Notice of the Time and Place at which the Committee will be chosen to try any Election Petition shall be published with the Votes, and in case the Conduct of the Returning Officer is complained of, shall be sent to such Returning Officer through the Post not less than Fourteen Days before the Day on which such Committee shall be chosen; and every such Notice shall direct all Parties interested to attend the General Committee of Elections, by themselves, their Counsel or Agents, at the Time appointed for choosing the Select Committee.

General Committee to determine how many Committees shall be chosen in each Week.

Notice to be given when any Committee will be chosen.

L. And be it enacted, That Notice shall be published with the Votes of the Petitions appointed for each Week, and of the Panel from which Committees will be chosen to try such Petitions.

Notice of Petitions and Panels.

LI. And be it enacted, That in all Cases where Notice of the Death or Vacancy of the Seat of any Member petitioned against, or that it is not the Intention of such Member to defend his Election or Return, shall have been inserted in the

Provision for Cases where the sitting Member does not defend, and some Party has been ad-

Gazette,

mitted to defend,
&c.

Gazette, by Order of the Speaker, and some Party shall have been admitted to defend such Return, as herein-before provided, or where the Conduct of the Returning Officer is complained of, the General Committee of Elections shall meet for choosing the Select Committee to try the Petition relating to such Return, at a Time to be appointed by them, not sooner than Fourteen Days after the Petition (or the last of the Petitions, if more than One) to be allowed to defend such Election or Return shall have been referred to them; and not less than Fourteen Days Notice shall be given in the Votes of the Time appointed for choosing such Select Committee, and any former Notice that may have been given shall be taken to be annulled; but if no Party shall have been admitted to defend such Election or Return, and if the Conduct of the Returning Officer is not complained of in such Petition, the General Committee of Elections shall meet for choosing the Select Committee to try such Petition as soon as conveniently may be after the Expiration of the Time allowed for Parties to come in to defend such Election or Return as herein-before provided; and not less than One Day's Notice of the Time and Place appointed for choosing such Committee shall be given in the Votes.

General Com-
mittee em-
powered to
change the Day
for choosing
Select Com-
mittee.

LII. And be it enacted, That it shall be lawful for the General Committee of Elections to change the Day and Hour appointed by them for choosing a Select Committee to try any Election Petition, and to appoint some subsequent Day and Hour for the same, if it shall in their Judgment be expedient so to do, giving Notice in the Votes of the Day and Hour so subsequently appointed; and in every Case in which any such Change shall be made by them they shall forthwith report the same to the House, with their Reasons for making such Change.

Lists of Voters
intended to be
objected to shall
be delivered to
the Clerk of
the General
Committee.

LIII. And be it enacted, That in all Cases of controverted Elections or Returns of Members to serve in Parliament, all the Parties complaining of or defending such Elections or Returns shall, by themselves or their Agents, deliver in to the Clerk of the General Committee Lists of the Voters intended to be objected to, giving in the said Lists the several Heads of Objections, and distinguishing the same against the Names of the Voters excepted to, not later than Six of the Clock in the Afternoon on the Sixth Day next before the Day appointed for choosing the Committee to try the Petition complaining of such Election or Return; and the said Clerk shall keep the Lists so delivered to him in his Office open to the Inspection of all Parties concerned.

Select Com-
mittee to be
chosen.

LIV. And be it enacted, That the General Committee shall meet at the Time appointed for choosing the Committee to try any Election Petition, and shall choose from the Panel then standing next in order of Service, exclusive of the Chairmen's Panel, Six Members, not being then excused or disqualified for any of the Causes aforesaid, and who shall not be specially disqualified for being appointed on the Committee to try such Petition for any of the following Causes; (that is to say,)

say,) by reason of having voted at the Election, or by reason of being the Party on whose Behalf the Seat is claimed, or related to the sitting Member or Party on whose Behalf the Seat is claimed by Kindred or Affinity in the First or Second Degree according to the Canon Law; and each Panel shall serve for a Week, beginning with the Panel first drawn, and continuing by Rotation in the Order in which they were drawn, and not reckoning those Weeks in which no Select Committee shall be appointed to be chosen.

LV. And be it enacted, That in case at the least Four Members then present of the General Committee of Elections shall not agree in choosing a Committee to try any Petition appointed for that Day, the General Committee shall adjourn the choosing of that Committee, and of the remaining Committees appointed to be chosen on that Day, to the following Day, and the Parties shall be directed to attend on the following Day, and so from Day to Day (with the Exception of *Sunday, Good Friday, and Christmas Day*) until all such Committees shall be chosen, or until the General Committee of Elections shall be dissolved as herein-before provided; and the General Committee shall not in any Case proceed to choose a Committee to try any Election Petition until they shall have chosen a Committee to try every other Election Petition standing higher in the List aforesaid, the Order for referring which shall not be then discharged, or in which the Proceedings shall not be then suspended under the Provisions herein-before contained, except in the Case of choosing a Committee to supply the Place of a discharged Committee, as herein-after provided, which substituted Committee shall be first chosen on the Day on which the General Committee shall meet for that Purpose, and also except in the Case where the Day originally appointed for choosing a Committee shall have been changed under the Provisions herein-before contained.

LVI. And be it enacted, That as soon as the General Committee of Elections shall have chosen a Committee to try any such Petition the Parties in attendance shall be called in, and the Names of the Committee chosen shall be read over to them.

LVII. And be it enacted, That after hearing the Names of the Committee chosen the Parties present shall be directed to withdraw, and the General Committee may proceed to choose another Committee to try the next Petition appointed for that Day until all the Committees appointed to be chosen on that Day shall be chosen, or until the choosing of any Committee shall be adjourned as aforesaid; and after any such Adjournment the General Committee shall not transact any more Business on that Day, except with regard to those Petitions for trying which Committees shall have been previously chosen.

LVIII. And be it enacted, That within One Half Hour at furthest from the Time when the Parties to any Election Petition shall have withdrawn, or if the Parties to any other Election Petition shall then be before the General Committee of Elections,

In case of Disagreement the General Committee to adjourn.

Committees to be chosen for Petitions according to their Order on the List.

When Committee chosen, the Parties to be called in.

General Committee to proceed in order with all the Petitions appointed for that Day.

Parties may object to disqualified Members.

tions, then after such other Parties shall have withdrawn, the Parties in attendance shall be again called before the General Committee in the same Order in which they were directed to withdraw; and the Petitioners and sitting Member or Members, or such Party as may have been admitted as aforesaid to defend the Return or Right of Election, their Counsel or Agents, beginning on the Part of the Petitioners, may object to all or any of the Members chosen, as being then disqualified or excused, for any of the Reasons aforesaid, from serving on the Committee for the Trial of that Election Petition, but not for any other Reason whatsoever; and if at the least Four Members then present of the General Committee shall be satisfied that any Member so objected to is then disqualified or excused for any of the Reasons aforesaid, the Parties present shall be again directed to withdraw, and the General Committee shall proceed to choose another Committee from the same Panel to try that Petition, and so as often as the Case may happen; and in the second or any following Committee the General Committee may, if they shall think fit, include all or any of the Members first chosen by them, except those who shall have been objected to, and who shall have been allowed by the General Committee to be disqualified or excused; and no Party shall be allowed to object to any Member who may be included in the second or any following Committee who was not objected to when included in the Committee first chosen to try that Petition.

If General Committee allow the Disqualification a new Committee to be chosen.

Notice to be sent to every Member chosen

LIX. And be it enacted, That when Six Members shall have been chosen, none of whom shall have been objected to, the Clerk of the General Committee of Elections shall give Notice thereof in Writing to each of the Members so chosen; and with every such Notice shall be sent a Notice of the general and special Grounds of Disqualification and Excuse from serving which are herein-before mentioned, and of the Time and Place when and where the General Committee will meet on the following Day; and Notice of the Time and Place of such Meeting shall be published with the Votes.

If any Member chosen proves Disqualification another Committee to be chosen.

LX. And be it enacted, That the General Committee shall meet in the following Day at the Time and Place mentioned in such Notice as last aforesaid; and if any Member shall then and there prove, to the Satisfaction of at least Four Members then present of the General Committee, that, for any of the Reasons aforesaid, he is disqualified or excused from serving on the Committee for which he shall have been so chosen, or if any such Member shall prove, to the Satisfaction of at least Four Members then present of the General Committee, that there are any Circumstances in his Case which render him ineligible to serve on such Select Committee; such Circumstances having regard not to his own Convenience but solely to the impartial Character of the Tribunal, the General Committee shall proceed to choose a new Committee to try that Petition, in like Manner as if that Member had been objected to by any Party to the Petition; and if within the Space of One Hour after the Time mentioned in the Notice no Member shall so appear, or if any
Member

Member so appearing shall not prove his Disqualification or Excuse, to the Satisfaction of at least Four Members then present of the General Committee, a Chairman shall be appointed to the Six Members so chosen to be of the Select Committee in the Manner herein-after mentioned.

LXI. And be it enacted, That when Six Members of the Committee are finally chosen as aforesaid the Members who are upon the Chairmen's Panel shall notify to the Members of the General Committee the Name of the Member who has been appointed or selected by them as the Chairman of such Election Committee, and the General Committee shall add his Name to the Names of the Six Members chosen by them as aforesaid, and they shall communicate the Name of such Chairman to the Parties interested, or such of them as still think fit to attend for that Purpose, and if no Objection be substantiated thereto the Select Committee shall then be taken to be appointed: Provided always, that no Member shall serve as Chairman of any Election Committee who would be disqualified from serving on such Committee if not upon the Chairmen's Panel; and any of the Parties in attendance may object to such Chairman as being then disqualified or excused, for any of the Reasons aforesaid, from serving on the Committee for the Trial of that Election Petition, but not for any other Reason whatsoever; and if at the least Four Members then present of the General Committee shall be satisfied that the Chairman so objected to is disqualified or excused for any of the Reasons aforesaid, the Parties present shall be again directed to withdraw, and the General Committee shall send back the Name of such Chairman to the Members on the Chairmen's Panel, and the Members on the Chairmen's Panel shall proceed to choose another Chairman to try that Petition, and so as often as the Case may happen; and the Name of the Chairman to whom no Objection shall be substantiated shall be added to the Names of the Six Members chosen by them, and the Select Committee shall then be taken to be appointed.

Members on
Chairmen's
Panel to ap-
point Chairman
to Select Com-
mittees.

LXII. And be it enacted, That at the Meeting of the House of Commons for the Despatch of Business next after any such Select Committee shall be appointed, the Members chosen, including the Chairman, shall attend in their Places, and the General Committee of Elections shall report to the House the Names of the Select Committee appointed, and shall annex to such Report all Petitions referred to them by the House which shall relate to the Return or Election of which such Select Committee is appointed to try the Merits, and all Lists of Voters which shall have been delivered to them by either Party; and the Members chosen to be of the said Select Committee shall not depart the House till the Time for the meeting of such Select Committee shall be fixed.

Select Com-
mittee to be
reported to the
House.

LXIII. And be it enacted, That the Seven Members appointed as herein-before is mentioned shall, before departing the House, be sworn at the Table, by the Clerk or Clerk Assistant, well and truly to try the Matter of the Petitions
[No. 26. Price 2d.]

Members of
Select Com-
mittee to be
sworn.

referred to them, and a true Judgment to give according to the Evidence, and shall be taken to be a Select Committee legally appointed to try and determine the Merits of the Return or Election so referred by the House to them; and the Member so appointed from the Chairmen's Panel shall be the Chairman of such Committee.

Members of said Committee not present within One Hour after the meeting of the House to be taken into Custody by the Sergeant-at-Arms.

LXIV. And be it enacted, That if any Member of the said Select Committee shall not attend in his Place within One Hour after the meeting of the House on the Day appointed for swearing the said Committee, or if, after attending, any Member shall depart the House before the said Committee shall be sworn, unless the Committee shall be discharged, or the swearing of the said Committee shall be adjourned as herein-after provided, he shall be ordered to be taken into the Custody of his Duty, and shall be otherwise punished or censured, at the Discretion of the House, unless it shall appear to the House, by Facts specially stated, and verified upon Oath, that such Member was by a sudden Accident or by Necessity prevented from attending the House.

If any such Member is not present within Three Hours after the meeting of the House, the Proceedings to be adjourned.

LXV. And be it enacted, That if any such absent Member shall not be brought into the House within Three Hours after the meeting of the House on the Day first appointed for swearing the said Committee, and if no sufficient Cause shall be shown to the House before its rising whereon the House shall dispense with the Attendance of such absent Member, the swearing of the Committee shall be adjourned to the next meeting of the House; and all the Members of the said Committee shall be bound to attend in their Places, for the Purpose of being sworn at the next meeting of the House, in like Manner as on the Day first appointed for that Purpose.

All the Members not attending after Adjournment, the Committee to be discharged.

LXVI. And be it enacted, That if on the Day to which the swearing of the said Committee shall be so adjourned all the Members of the Committee shall not attend and be sworn, or if sufficient Cause shall be shown to the House before its rising, on the Day first appointed for swearing the said Committee, why the Attendance of any Member of the Committee should be dispensed with, the said Committee shall be taken to be discharged, and the General Committee shall meet on the following Day (*Sundays, Christmas Day, and Good Friday* excepted), and shall proceed to choose a new Committee from the same Panel from which the discharged Committee was chosen in the Manner herein-before provided, and Notice of such Meeting shall be published with the Votes.

Petitions and Lists to be referred to the Committee, and Time and Place of meeting to be appointed by the House.

LXVII. And be it enacted, That the House shall refer the Petitions and Lists annexed to the Report of the General Committee of Elections to the Select Committee so appointed and sworn, and shall order the said Select Committee to meet at a certain Time, to be fixed by the House, which shall be within Twenty-four Hours of their being sworn at the Table of the House, unless a *Sunday, Christmas Day, or Good Friday* shall intervene; and the Place of their meeting shall be some convenient

venient Room or Place adjacent to the House of Commons, properly prepared for that Purpose.

LXVIII. And be it enacted, That in case there shall ever be Occasion for electing a new Chairman, on the Death or necessary Absence of the Chairman first appointed, the remaining Members of the Committee shall elect One of themselves to be Chairman, and if in that Election there shall be an equal Number of Voices the Member whose Name stands foremost in the List of the Committee as reported to the House shall have a second or casting Vote.

Casting Vote
in the Election
of a Chairman.

LXIX. And be it enacted, That every such Select Committee shall sit from Day to Day, *Sunday, Christmas Day, and Good Friday* only excepted, and shall never adjourn for a longer Time than Twenty-four Hours, unless a *Sunday, Christmas Day, or Good Friday* intervene, and in such Case not for more than Twenty-four Hours, exclusive of such *Sunday, Christmas Day, or Good Friday*, without Leave first obtained from the House, upon Motion, and special Cause assigned for a longer Adjournment; and in case the House shall be sitting at the Time to which such Select Committee is adjourned, then the Business of the House shall be stayed, and a Motion shall be made for a further Adjournment for any Time to be fixed by the House: Provided always, that if such Select Committee shall have Occasion to apply or report to the House, and the House shall be then adjourned for more than Twenty-four Hours, such Select Committee may also adjourn to the Day appointed for the meeting of the House.

Committees not
to adjourn for
more than
Twenty-four
Hours, without
Leave, &c.

LXX. And be it enacted, That no Member appointed as aforesaid to be of any such Select Committee shall absent himself from the same without Leave obtained from the House, or an Excuse allowed by the House at the next Sitting thereof, for the Cause of Sickness, verified upon the Oath of his Medical Attendant, or for other special Cause shown, and verified upon Oath; and in every such Case the Member to whom such Leave shall be granted or Excuse allowed shall be discharged from attending, and shall not be entitled again to sit or vote on the said Committee; and such Select Committee shall never sit until all the Members to whom such Leave has not been granted nor Excuse allowed are met; and in case all such Members shall not meet within One Hour after the Time to which such Select Committee shall have been adjourned, a further Adjournment shall be made, and reported by their Chairman, with the Cause thereof, to the House.

Committee-man
not to absent
himself.

Committee not
to sit until all be
met; on failure
of all meeting
within One
Hour, to ad-
journ.

LXXI. And be it enacted, That every Member whose Absence without Leave or Excuse shall be so reported shall be directed to attend the House at its next Sitting, and shall then be ordered to be taken into the Custody of the Sergeant-at-Arms attending the House, for such Neglect of his Duty, and shall be otherwise punished or censured, at the Discretion of the House, unless it shall appear to the House, by Facts specially stated and verified upon Oath, that such Member was, by a sud-

Absentees to
be directed to
attend the
House.

den Accident or by Necessity, prevented from attending the said Select Committee.

If any Committee is reduced to less than Six by the Non-attendance of its Members it shall be dissolved, except as herein mentioned.

LXXII. And be it enacted, That in case the Number of Members able to attend any such Select Committee shall be, by Death or otherwise, unavoidably reduced to less than Six, and shall so continue for the Space of Three Sitting Days, such Select Committee shall be dissolved (except in either of the Cases herein-after provided), and another shall be appointed to try and determine the Matter of such Petition in manner aforesaid; and the General Committee shall meet for that Purpose as soon as conveniently may be after the Occasion shall have arisen, at a Day and Hour to be appointed by them, and Notice of such Meeting shall be published with the Votes; and all the Proceedings of such former Committee shall be void and of no Effect: Provided always, that whenever any such Committee shall have met for Business Fourteen Days, not including those Days on which they shall have adjourned on account of the Absence of any Member, it shall be lawful for them to proceed to Business, if a Number of Members not less than Five be present, and in such Case the Committee shall not be dissolved by reason of the Absence of the Members, unless the Number of Members able to attend the same shall, by Death or otherwise, be unavoidably reduced to less than Five, and shall so continue for the Space of Three Sitting Days; and whenever any such Committee shall in like Manner have met for Business Twenty-five Days, or shall have directed any Commission to be issued for the Examination of Evidence in *Ireland* under the Provisions of the said Act of the Forty-second Year of the Reign of King *George* the Third, it shall be lawful for them to proceed to Business if a Number of Members not less than Four be present, and in such Case the Committee shall not be dissolved by reason of the Absence of the Members unless the Number of Members able to attend the same shall, by Death or otherwise, be unavoidably reduced to less than Four, and shall so continue for the Space of Three Sitting Days: Provided also, that, with the Consent in Writing of all Parties before the Committee, it shall be lawful for the Committee to proceed to Business, notwithstanding any unavoidable Reduction of their Number, and without reference to the Number of Days during which they shall have met for Business before such unavoidable Reduction of their Number, and in such Case the Committee shall not be dissolved by reason of the Absence of the Members.

Committees to be attended by a Short-hand Writer.

LXXIII. And be it enacted, That every such Committee shall be attended by a Person skilled in the Art of writing Short-hand, who shall be specially appointed by the Clerk of the House of Commons for the Time being, and sworn by the Chairman faithfully and truly to take down the Evidence given before such Committee, and from Day to Day, as Occasion may require, to write or cause the same to be written in Words at Length for the Use of the Committee.

LXXIV. And

LXXIV. And be it enacted, That every such Select Committee shall have Power to send for Persons, Papers, and Records, and to examine any Person who may have subscribed the Petition which such Select Committee shall have been appointed to try and determine, unless it shall otherwise appear to such Committee that such Person is an interested Witness, and shall examine all the Witnesses who come before them upon Oath, which Oath the Clerk attending such Select Committee is hereby empowered to administer; and if any Person summoned by such Select Committee, or by the Warrant of the Speaker of the House of Commons, shall disobey such Summons, or if any Witness before such Select Committee shall give false Evidence, or prevaricate, or shall otherwise misbehave in giving or refusing to give Evidence, the Chairman of such Select Committee, by their Direction, may at any Time during the Course of their Proceedings report the same to the House, for the Interposition of the Authority or Censure of the House, as the Case may require, and may, by a Warrant under his Hand directed to the Sergeant-at-Arms attending the House of Commons, or to his Deputy or Deputies, commit such Person (not being a Peer of the Realm or Lord of Parliament) to the Custody of the said Sergeant, without Bail or Mainprize, for any Time not exceeding Twenty-four Hours if the House shall then be sitting, and if not, then for a Time not exceeding Twenty-four Hours after the Hour to which the House shall then be adjourned.

Committee empowered to send for and examine Persons, Papers, and Records.

Witnesses misbehaving may be reported to the House, and committed to the Custody of the Sergeant-at-Arms.

LXXV. And be it enacted, That where in this Act any thing is required to be verified on Oath to the House of Commons, it shall be lawful for the Clerk or Clerk Assistant of the House of Commons to administer an Oath for that Purpose, or an Affidavit for such Purpose may lawfully be sworn before any Justice of the Peace or Master of the High Court of Chancery.

How Oaths to be administered.

LXXVI. And be it enacted, That every Person who shall wilfully give any false Evidence before the House of Commons, or any Committee or Examiner of Recognizances, under the Provisions of this Act, or who shall wilfully swear falsely in any Affidavit authorized by this Act to be taken, shall, on Conviction thereof, be liable to the Penalties of wilful and corrupt Perjury.

Giving false Evidence to be Perjury.

LXXVII. And be it enacted, That no Evidence shall be given before the Select Committee, or before any Commission issued by the said Committee, against the Validity of any Vote not included in one of the Lists of Voters delivered to the General Committee as aforesaid, or upon any Head of Objection to any Voter included in any such List other than one of the Heads specified against him in such List.

Evidence to be confined to Objections particularized in the Lists.

LXXVIII. And be it enacted, That every such Select Committee shall try the Merits of the Return or Election, or both, and shall determine by a Majority of Voices whether the Petitioners or the sitting Members, or either of them, be duly

Committee to decide, and to report their Decision to the House.

returned or elected, or whether the Election be void, or whether a new Writ ought to issue, which Determination shall be final between the Parties to all Intents and Purposes; and the House, on being informed thereof by the Committee, shall order such Report to be entered in their Journals, and shall give the necessary Directions for confirming or altering the Return, or for ordering a Return to be made, or for issuing a new Writ for a new Election, or for carrying the said Determination into execution, as the Case may require.

Committees may report their Determination on other Matters to the House.

LXXIX. And be it enacted, That if any such Select Committee shall come to any Resolution other than the Determination above mentioned, they shall, if they think proper, report the same to the House for their Opinion, at the same Time that they shall inform the House of such Determination; and the House may confirm or disagree with such Resolution, and make such Orders thereon as to them shall seem proper.

When Committee is deliberating the Room to be cleared, &c.

LXXX. And be it enacted, That whenever any such Select Committee shall think it necessary to deliberate among themselves upon any Question which shall arise in the course of the Trial, or upon the Determination thereof, or upon any Resolution concerning the Matter of the Petition referred to them as aforesaid, as soon as they shall have heard the Evidence and Counsel on both Sides relative thereto, the Room or Place in which they shall sit shall be cleared, if they shall think proper, whilst the Members of the Committee consider thereof.

Questions to be decided by Majority.

LXXXI. And be it enacted, That all Questions before the Committee shall be decided by a Majority of Voices; and whenever the Voices shall be equal the Chairman shall have a second or casting Voice.

Names of Members voting for or against any Resolution to be reported to the House.

LXXXII. And be it enacted, That whenever the Select Committee shall be divided upon any Question, the Names of the Members voting in the Affirmative and in the Negative shall be entered in the Minutes of the said Committee, and shall be reported to the House, with the Questions on which such Divisions arose, at the same Time with the final Report of the Committee; and no Member of the Committee shall be allowed to refrain from voting on any Question on which the Committee shall be divided.

Committees not dissolved by the Prorogation of Parliament, &c.

LXXXIII. And be it enacted, That whenever it shall happen that Parliament shall be prorogued, after any Petition complaining of an undue Election or Return, or of the Omission to return, shall have been presented, but before the Appointment of a Select Committee to try the Petition, the General Committee of Elections shall, within Two Days after their First Meeting, in case the Sureties shall have been then reported unobjectionable, appoint a Day and Hour for selecting a Committee to try the Petition as aforesaid; and if the Parliament shall be prorogued after the Appointment of any Select Committee for the Trial of any such Petition as aforesaid, and before they shall have reported to the House their Determination thereon, such Committee shall not be dissolved by such Prorogation, but shall be thereby adjourned to Twelve of

the Clock on the Day immediately following that on which Parliament shall meet again for the Despatch of Business (*Sundays, Good Friday, and Christmas Day* always excepted); and all former Proceedings of such Committee, and of any Commission to take Evidence issued under the Authority of such Committee, shall remain and continue to be of the same Force and Effect as if Parliament had not been so prorogued; and such Committee shall meet on the Day and Hour to which it shall be so adjourned, and shall thenceforward continue to sit from Day to Day in the Manner herein-before provided, until they shall have reported to the House their Determination on the Merits of such Petition.

LXXXIV. And be it enacted, That whenever any Committee appointed to consider the Merits of any Petition complaining of an undue Election or Return, or of the Omission to return any Member or Members to Parliament, shall report to the House with respect to any such Petition that the same appeared to them frivolous or vexatious, the Party or Parties, if any, who shall have appeared before the Committee in opposition to such Petition, shall be entitled to recover from the Person or Persons, or any of them, who shall have signed such Petition, the full Costs and Expences which such Party or Parties shall have incurred in opposing the same, such Costs and Expences to be ascertained in the Manner herein-after directed.

Costs, when incurred by Petitioners, &c.

LXXXV. And be it enacted, That whenever such Committee shall report to the House, with respect to the Opposition made to such Petition by any Party or Parties who shall have appeared before them, that such Opposition appeared to be frivolous or vexatious, the Person or Persons who shall have signed such Petition shall be entitled to recover from such Party or Parties, or any of them, with respect to whom such Report shall be made, the full Costs and Expences which such Petitioner or Petitioners shall respectively have incurred in prosecuting their Petition, such Costs and Expences to be ascertained in the Manner herein-after directed.

Costs, when incurred by Parties opposing Petitions.

LXXXVI. And be it enacted, That whenever no Party shall have appeared before any such Committee in opposition to such Petition, and such Committee shall report to the House, with respect to the Election or Return, or to the alleged Omission of a Return, or to the alleged Insufficiency of a Return complained of in any such Petition, that the same appeared to them to be vexatious or corrupt, the Person or Persons who shall have signed such Petition shall be entitled to recover from the sitting Member or sitting Members (if any) whose Election or Return shall be complained of in such Petition (such sitting Member or sitting Members not having given Notice as aforesaid of his or their Intention not to defend the same), or from any other Person or Persons whom the House shall have admitted or directed to be made a Party or Parties to oppose such Petition, the full Costs and Expences which such Petitioner or Petitioners shall have incurred in prosecuting

Costs, when incurred where no Party appears to oppose a Petition.

prosecuting their Petition; such Costs and Expences to be ascertained in the Manner herein-after directed.

Costs upon
frivolous Ob-
jections.

LXXXVII. And be it enacted, That if any Ground of Objection shall be stated against any Voter in any Lists of Votes intended to be objected to as herein-before provided, and if such Select Committee shall be of opinion that such Objection was frivolous or vexatious, the said Committee shall report the same to the House of Commons, together with their Opinion on the other Matters relating to the said Petition, and the opposite Party shall in such Case be entitled to recover, from the Party or Parties by whom or on whose Behalf any such Objections were made, the full Costs and Expences incurred by reason of such frivolous or vexatious Objections; which Costs and Expences shall be ascertained and recovered in the same Manner and Form as is herein-after provided for the Recovery of Costs and Expences in Cases of frivolous or vexatious Petitions.

Costs upon
unfounded
Allegations.

LXXXVIII. And be it enacted, That if either Party shall make before the said Select Committee any specific Allegation with regard to the Conduct of the other Party or his Agents, and shall either bring no Evidence in support thereof, or such Evidence that the Committee shall be of opinion that such Allegation was made without any reasonable or probable Ground, it shall be lawful for the Committee to make such Orders as to them shall seem fit for the Payment, by the Party making such unfounded Allegation, to the other Party, of all Costs and Expences which shall have been incurred by reason of such unfounded Allegation; which Costs and Expences shall be ascertained and recovered in the same Manner and Form as is herein-after provided for the Recovery of Costs and Expences in Cases of frivolous and vexatious Petitions.

Costs how to be
ascertained.

LXXXIX. And be it enacted, That the Costs and Expences of prosecuting or opposing or preparing to oppose any Petition presented under the Provisions of this Act, and the Costs and Expences which shall be due and payable to any Witness summoned to attend before the Examiner of Recognizances, or before any Committee under the Provisions of this Act, shall be ascertained in manner following; (that is to say,) on Application made to the Speaker of the House of Commons by any Party, or such Petitioner, Witness, for ascertaining such Costs and Expences, not later than Three Calendar Months after the Determination of the Merits of such Petition, or after any Order of the House for discharging the Order of Reference of such Petition to the General Committee of Elections, or after the Withdrawal of any Petition, as herein-before provided, the Speaker shall direct the same to be taxed by the Examiner of Recognizances; and the said Examiner shall examine and tax such Costs and Expences, and shall report the Amount thereof, together with the Name of the Party or Parties liable to pay the same, and the Name or Names of the Party or Parties entitled to receive the same, to the Speaker, who shall, upon Application made to him, deliver to the Party or Parties a Certificate, signed by himself, expressing the Amount of the

Costs

Costs and Expences allowed in such Report, with the Name of the Party liable to pay the same, and the Name of the Party entitled to receive the same; and such Certificate, so signed by the Speaker, shall be conclusive Evidence as well of the Amount of such Demands as of the Title of the several Parties to recover the same in all Cases and for all Purposes whatsoever; and the Witness or Party claiming under the same shall, upon Payment thereof, give a Receipt at the Foot of such Certificate, which shall be a sufficient Discharge for the same.

XC. Provided always, and be it enacted, That the Examiner of Recognizances shall not include in any such Taxed Costs any Costs which may have been occasioned by Delay in the Appointment of the Select Committee, after the Examiner of Recognizances shall have reported to the Speaker whether or not the Sureties are unobjectionable.

Costs occasioned by Delay in appointing the Select Committee to be taxed off.

XCI. And be it enacted, That the Examiner of Recognizances is empowered to examine upon Oath any Witnesses tendered to him for Examination, and to receive Affidavits sworn before him, or before any Master of the High Court of Chancery, or any of Her Majesty's Justices of the Peace, who are severally empowered to take the same, relative to such Costs or Expences, or the Taxation or Nonpayment thereof, and to administer the Oath for taking such Affidavit.

Persons appointed to tax Costs empowered to take Affidavits.

XCII. And be it enacted, That it shall be lawful for the Party or Parties entitled to such Taxed Costs and Expences, or for his, her, or their Executors or Administrators, to demand the whole Amount thereof, so certified as above, from any One or more of the Persons herein made liable to the Payment thereof in the several Cases herein-before mentioned, and in case of Nonpayment thereof to recover the same by Action of Debt in any of Her Majesty's Courts of Record at *Westminster* or *Dublin*, or in the Court of Session in *Scotland*, in which Action it shall be sufficient for the Plaintiff or Plaintiffs to declare that the Defendant or Defendants is or are indebted to him or them in the Sum mentioned in the said Certificate; and the said Plaintiff or Plaintiffs shall, upon filing the said Declaration, together with the said Certificate and Affidavit of such Demand as aforesaid, be at liberty to sign Judgment as for Want of Plea by Nil dicit, and take out Execution for the said Sum so mentioned in the said Certificate, together with the Costs of the said Action, according to due Course of Law: Provided always, that the Validity of such Certificate, the Handwriting of the Speaker thereunto being duly verified, shall not be called in question in any Court upon the Allegation of any Matter or Thing anterior to the Date thereof.

Recovery of Costs.

XCIII. And be it enacted, That in every Case it shall be lawful for any Person or Persons from whom the Amount of such Costs and Expences shall have been so recovered to recover in like Manner from the other Persons, or any of them, (if such there shall be,) who are liable to the Payment of the same Costs, Expences, and Fees, a proportionate Share thereof, according to

Persons paying Costs may recover a Proportion thereof from other Persons liable thereto.

to the Number of Persons so liable, and according to the Extent of the Liability of each Person.

Recognizances
when to be
estreated, &c.

XCIV. And be it enacted, That if any Petitioner or Petitioners who shall have entered into such Recognizance as aforesaid shall neglect or refuse, for the Space of Seven Days after Demand, to pay to any Witness who shall have been summoned on his or their Behalf before the Examiner of Recognizances, or any Committee under the Provisions of this Act, the Sums so certified as aforesaid by the Speaker to be due to such Witness, or if such Petitioner or Petitioners shall neglect or refuse, for the Space of Six Months after Demand, to pay to any Party who shall appear in opposition to the said Petition the Sum so certified by the Speaker as aforesaid to be due to such Officer or Party for their Costs or Expences, and that such Neglect or Refusal shall, within One Year after the granting of such Certificate, be proved to the Speaker's Satisfaction, by Affidavit sworn before any Master of the High Court of Chancery (and such Master is hereby authorized to administer such Oath, and is authorized and required to certify such Affidavit under his Hand), in every such Case such Person or Persons shall be held to have made Default in his or their said Recognizance; and the Speaker of the House of Commons shall thereupon certify such Recognizance into the Court of Exchequer, and shall also certify that such Person or Persons have made Default therein, and such Certificate shall be conclusive Evidence of such Default; and the Recognizance, being so certified, shall have the same Effect as if the same were estreated from a Court of Law: Provided always, that such Recognizance and Certificate shall in every such Case be delivered by the Clerk or one of the Clerks Assistant of the House of Commons into the Hands of the Lord Chief Baron of the Exchequer, or of one of the Barons of the Exchequer, or of such Officer as shall be appointed by the said Court to receive the same.

Returning
Officer may be
sued for neglect-
ing to return
any Person duly
elected.

XCV. And be it enacted, That if any Sheriff or other Returning Officer or Officers shall wilfully delay, neglect, or refuse duly to return any Person who ought to be returned to serve in Parliament for any County, City, Borough, District of Burghs, Port, or Place within *Great Britain* or *Ireland*, such Person may, in case it shall have been determined by a Select Committee appointed in the Manner herein-before directed that such Person was entitled to have been returned, sue the Sheriff or other Officer or Officers having so wilfully delayed, neglected, or refused duly to make such Return, at his Election, in any of Her Majesty's Courts of Record at *Westminster* or *Dublin*, or of the Court of Session in *Scotland*, and shall recover Double the Damages he shall sustain by reason thereof, together with full Costs of Suit, provided such Action is commenced within One Year after the Commission of the Act on which it is grounded, or within Six Months after the Conclusion of any Proceedings in the House of Commons relating to such Election.

XCVI. And

XCVI. And be it enacted, That this Act shall commence and take effect from the End of this present Session of Parliament, and shall continue in force until the End of the Second Session of the First Parliament which shall be called after the End of this present Parliament: Provided always, that notwithstanding the Expiration of this Act all Proceedings under the same which shall have been commenced during the Continuance thereof may be proceeded in and completed, and shall have the same Effect as if this Act had continued in force.

Continuance
of Act; and of
Proceedings
commenced
under it.

SCHEDULE to which the foregoing Act refers.

SCHEDULE (A.)

Form of Recognizance.

BE it remembered, That on the _____ Day in the Year of our Lord _____ before me, *A.B.* (Examiner of Recognizances for the House of Commons), [*or One of Her Majesty's Justices of the Peace for the County of _____*] came *C.D.* of, &c., *E.F.* of, &c., *G.H.* of, &c., *I.K.* of, &c. and *L.M.* of, &c., and severally acknowledged themselves to owe to our Sovereign Lady the Queen the following Sums; (that is to say,) the said *C.D.* the Sum of One thousand Pounds, and the said *E.F.* the Sum of _____ Pounds, (the said *G.H.* the Sum of _____ Pounds, the said *I.K.* the Sum of _____ Pounds, and the said *L.M.* the Sum of _____ Pounds,) to be levied on their respective Goods and Chattels, Lands and Tenements, to the Use of our said Sovereign Lady the Queen, Her Heirs and Successors.

The Condition of this Recognizance is, That if the said *C.D.* and *X.Y.* (the other Petitioner, if any,) or either of them, shall well and truly pay all Costs and Expences which any Committee of the House of Commons selected to try the Matter of the Petition signed by the said *C.D.* and *X.Y.* (complaining of an undue Election or Return for the [*here state the Place*], [*or complaining that no Return has been made for the said _____ within the Time limited by Act of Parliament, or (complaining that the Return made for the said _____ is not a Return of a Member or Members according to the Requisition of the Writ) or (complaining of the special Matters contained in any such Return)*] shall adjudge to be payable by the said *C.D.* and *X.Y.* (the other Petitioner, if any), or either of them, and shall also well and truly pay the Costs and Expences due and payable by the said *C.D.* and *X.Y.* (the other Petitioner, if any), or either of them, to any Witness summoned in his Behalf, or to the Party who shall appear in opposition to the said Petition, in case the said *C.D.* and *X.Y.* (the other Petitioner, if any), or either of them, shall be allowed to withdraw his said Petition, then this Recognizance to be void, otherwise to be of full Force and Effect.

CAP. LIX.

An Act to authorize for One Year, and until the End of the then next Session of Parliament, the Application of a Portion of the Highway Rates to Turnpike Roads in certain Cases. [22d June 1841.]

continued by
6874c 59x
8694c 59
10811c 49
11812c 86

5 & 6 W. 4. c. 50.

WHEREAS an Act was passed in the Fifth and Sixth Years of His late Majesty, intituled *An Act to consolidate and amend the Laws relating to Highways in that Part of Great Britain called England*, whereby divers Statutes passed in the Reign of His late Majesty King *George the Third*, relating to the Performance of Statute Duty, were repealed, and Statute Duty was thereby altogether abolished: And whereas the Revenues of some Turnpike Roads are so unequal to the Charge and Maintenance of such Roads, after paying the Interest and Principal of the Sums due upon Mortgage of the Tolls thereof, when deprived of the Aid heretofore derived from Statute Duty, that it is necessary that some additional Provision be made for such Roads, for a limited Period: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for the Justices at any Special Sessions for the Highways holden after the passing of this Act, upon Information exhibited before them by the Clerk or Treasurer of any Turnpike Trust that the Funds of the said Trust are insufficient for the Repairs of the Turnpike Roads within any Parish, Notice in Writing of such intended Information having been previously given on the Part of such Clerk or Treasurer to the Parish Surveyor Twenty-one Days at least before such Special Sessions, to examine the State of the Revenues and Debts of such Turnpike Trusts, and to inquire into the State and Condition of the Repairs of the Roads within the same, and also to ascertain the Length of the Roads, including Turnpike Roads, within such Parish, and how much of such Road is Turnpike Road, and if after such Examination it shall appear to the said Justices necessary or expedient, for the Purposes of any Turnpike Road, so to do, then to adjudge and order what Portion, if any, of the Rate or Assessment levied or to be levied by virtue of the said recited Act shall be paid by the said Parish Surveyor, and at what Time or Times, to the said Commissioners or Trustees, or to their Treasurer or other Officers, appointed by them on that Behalf, such Money to be wholly laid out in the actual Repairs of such Part of such Turnpike Road as lies within the Parish from which it was received.

Justices at Special Sessions for Highways, on Proof of the Deficiency of the Funds, &c. of any Turnpike Trust, may order Payment to said Trust of a Portion of the Highway Rate.

Parish Surveyor neglecting to pay such Portion of Rate it may be levied by Distress.

II. And be it enacted, That if any such Parish Surveyor shall refuse or neglect to pay over such Portion of the said Rate or Assessment at the Time or Times and in the Manner mentioned in the Order of the said Justices, the same shall and

and may be levied upon the Goods and Chattels of such Surveyor in such Manner as Penalties and Forfeitures are by the said recited Act authorized to be levied.

III. Provided always, and be it enacted, That if any Person shall think himself aggrieved by any Order, Judgment, or Determination made or by any Matter or Thing done by any Justices of the Peace at any such Special Sessions, in pursuance of this Act, such Person shall be at liberty to make his Complaint thereof by Appeal to the Justices of the Peace at the next General or Quarter Sessions of the Peace to be held for the County, Riding, Division, or Place wherein the Cause of such Complaint shall arise, such Appellant first giving to such Justices Ten Days Notice in Writing of the Grounds of such Appeal, within Six Days after such Order, Judgment, or Determination shall be so made or given as aforesaid, who are hereby required, within Forty-eight Hours after the Receipt of such Notice, to return all Proceedings whatever had before them respectively touching the Matter of such Appeal to the said Justices at the General or Quarter Sessions aforesaid; and that in case of such Appeal the said Justices at the said Quarter Sessions, upon due Proof of such Notice and Statement having been given as aforesaid, shall hear and determine such Appeal; and the said Justices at the said Quarter Sessions shall have Power to award such Costs to the Parties appealing or appealed against as they the said Justices shall think proper, such Costs to be levied and recovered in the same Manner as any Penalties or Forfeitures are recoverable under the said recited Act; and no Proceeding to be had or taken in pursuance of this Act shall be quashed or vacated for Want of Form: Provided always, that in case there shall not be Time to give such Notice as aforesaid before the next Sessions to be holden after such Order, Determination, or Judgment, then and in every such Case such Appeal may be made to the Justices at the next following Sessions, who shall proceed to determine such Appeal in manner aforesaid: Provided always, that it shall not be lawful for the Appellant to be heard in support of such Appeal, unless such Notice and Statement shall have been so given as aforesaid, nor on the Hearing of such Appeal to go into or give Evidence of any other Grounds of Appeal than those set forth in such Statements as aforesaid.

Power of
Appeal to Jus-
tices at Quarter
Sessions.

IV. And be it enacted, That in construing this Act the Word "Parish" shall be taken to mean and include Parish, Township, Tithing, Rape, Vill, Wapentake, Division, City, Borough, Liberty, Market Town, Franchise, Hamlet, Precinct, Chapelry, or other Place or District maintaining its own Highways.

Interpretation
Clause.

V. And be it enacted, That this Act shall extend only to

Extent of Act.

England.
VI. And be it enacted, That this Act shall continue and be in force for One Year from the passing thereof, and from thence until the End of the then next Session of Parliament.

Duration of
Act.

VII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

Amendment of
Act.

CAP. LX.

An Act to alter and amend certain Acts regulating Madhouses in *Scotland*; and to provide for the Custody of dangerous Lunatics. [22d June 1841.]

55 G. 3. c. 69.

9 G. 4. c. 34.

Penalty on Persons sending any Lunatics to a Madhouse without a Licence.

Persons convicted of receiving Lunatics without a Licence, or the required Order, may be imprisoned in default of Penalty.

‘ WHEREAS an Act was passed in the Fifty-fifth Year of the Reign of His Majesty King *George* the Third, intituled *An Act to regulate Madhouses in Scotland*; and another Act was passed in the Ninth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for altering and amending an Act passed in the Fifty-fifth Year of the Reign of His late Majesty, intituled ‘ An Act to regulate Madhouses in Scotland:’* And whereas it is expedient that the said recited Acts should be altered and amended;’ be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Expiration of One Calendar Month after the passing of this Act, any Person who shall send or deliver, or be accessory to the sending or delivering, without a Licence for that Purpose, in Terms of the said recited Acts, any furious or fatuous Person, or any Lunatic, or any Person as such, to the Custody or Keeping of any Person having or keeping a House for the Reception of furious or fatuous Persons or Lunatics, whether such House shall be licensed or not in Terms of the said recited Acts, shall for such Offence forfeit and pay a Penalty of Two hundred Pounds, and the Expences of recovering the same; and such Penalty shall be recovered and applied in such and the like Manner as Penalties are by the said first-recited Act directed to be recovered and applied.

II. And be it enacted, That it shall be lawful for the Court before whom any Person who shall be convicted of keeping a House for the Reception and Care or Confinement of furious or fatuous Persons or Lunatics, or detaining therein, or of receiving, concealing, harbouring, entertaining, or confining, any furious or fatuous Person or Lunatic, or any Person as such, without a Licence for that Purpose in Terms of the said recited Acts, or who shall be convicted of receiving any furious or fatuous Person or Lunatic for Care or Confinement therein, without the Order or Licence for the Reception of such furious or fatuous Person or Lunatic required by the said recited Acts and this Act, or who shall be convicted of sending or delivering or being accessory to sending or delivering, without a Licence for that Purpose in Terms of the said recited Acts and this Act, any furious or fatuous Person or Lunatic, or any Person as such, to the Custody or Keeping of any Person having or keeping a House for the Confinement of furious or fatuous Persons or Lunatics, either to find the Person so convicted liable in any Penalty by the said recited Acts or this Act imposed, or to find such

such Person liable to Imprisonment for each such Offence, for any Space not exceeding Three Calendar Months; and in case the Sentence shall be for a Penalty, it shall be lawful for the Court to declare, and to grant Warrant accordingly, in the Decree, that in the event of the Penalty not being paid within a Period to be specified by the Court the Party found liable in such Penalty shall in lieu thereof be imprisoned for a Period not exceeding Three Calendar Months.

III. And be it enacted, That where any furious or fatuous Person or Lunatic shall have been apprehended charged with Assault or other Offence inferring Danger to the Lieges, or where any furious or fatuous Person or Lunatic being in a State threatening Danger to the Lieges shall be found at large, it shall be lawful for the Sheriff, upon Application by the Procurator Fiscal, accompanied by a Medical Certificate as to the Condition of such Person from some Medical Person who is either a Physician or has a Diploma from the Royal College of Surgeons in *Edinburgh* or *London*, or from the Faculty of Physicians and Surgeons of *Glasgow*, or who has a Right to practise from having served in the Army or Navy, forthwith to commit such furious or fatuous Person or Lunatic unto some Place of safe Custody; and the Sheriff shall thereupon direct Notice to be given to the next of Kin (if known) or other known Relatives of such furious or fatuous Person or Lunatic, and shall also direct Notice to be given in some Newspaper circulated within the County of such Commitment, and of his Intention to inquire into the Condition of such furious or fatuous Person or Lunatic on an early Day to be named; and the Sheriff shall at the Time named proceed to take Evidence of the Condition of such furious or fatuous Person or Lunatic, and upon being satisfied that he or she is furious or fatuous, or a Lunatic, and dangerous, he shall commit him or her to any private Madhouse licensed under the said recited Acts, or into any public Hospital or public Asylum willing to receive him or her; and in case there shall be no private licensed Madhouse, or public Hospital or public Asylum, within the Jurisdiction of such Sheriff, he shall commit such furious or fatuous Person or Lunatic to some licensed private Madhouse, or public Hospital or public Asylum, of some adjoining County, willing to receive him or her; and a Licence shall be granted in respect of every such Commitment to any licensed private Madhouse, as prescribed by the said recited Acts, and such furious or fatuous Person or Lunatic shall be there detained until his or her Cure, or until Caution shall be found for his or her safe Custody, in which last Case it shall be lawful for the Sheriff, upon being satisfied as to such Caution, and the Safety and Propriety of such Custody, to authorize the Delivery of the furious or fatuous Person or Lunatic to the Person so finding Security; and the Procurator Fiscal is hereby authorized and required to contract with the Keeper of the Madhouse, Hospital, or Asylum to whose Care such furious or fatuous Person or Lunatic is committed, for the Expence of his or her Keeping or Maintenance therein.

Sheriff, on Application of Procurator Fiscal, may commit dangerous Lunatics.

IV. And

Power to Sheriff to transmit such Lunatic to another County.

IV. And be it enacted, That if any furious or fatuous Person or Lunatic, in respect of whom Application shall be made to the Sheriff of any County as aforesaid, shall have his known Domicile or Settlement or usual Place of Haunt and Resort in another County, then it shall be lawful for the Sheriff, either to follow out the Provisions of this Act in regard to such furious or fatuous Person or Lunatic, or, before further proceeding, to transmit along with the said Application such furious or fatuous Person or Lunatic, in safe Custody, to the Sheriff of such other County, to whom it shall be lawful to proceed as if the Application had been made to him in the first instance.

Expences how to be defrayed.

V. And be it enacted, That the Expences of the Procurator Fiscal incurred in respect of any such Application to the Sheriff (being first taxed by the Sheriff) shall be paid out of the Rogue Money of the County, and the Clerk of Supply is hereby required to pay the same, as also such Expence as may be incurred in keeping and maintaining any such furious or fatuous Person or Lunatic committed upon such Application: Provided always, that such Expence of Keeping and Maintenance, together with the Licence Duty, shall be defrayed by such furious or fatuous Person or Lunatic, if he or she has the Means of defraying the same; or if such Expence cannot, in the Opinion of the Sheriff, be immediately recovered from such furious or fatuous Person or Lunatic, or out of his or her Estate, then the same shall be defrayed by the Parish which would be liable for the Maintenance of such furious or fatuous Person or Lunatic if he or she were a Pauper; and it shall be competent to the Sheriff, at the Time of granting Warrant of Commitment to such licensed Madhouse or public Hospital or public Asylum, if such furious or fatuous Person or Lunatic shall not be known to be in the Possession of any adequate Means or Estate, also to pronounce Judgment in favour of the Procurator Fiscal for such Sum as may be necessary for the Maintenance of such furious or fatuous Person or Lunatic in such licensed Madhouse or public Hospital or public Asylum, against the Parish which in the Opinion of the Sheriff would be liable, either *ad interim*, or permanently or ultimately, or with Relief for the Maintenance of such Person; which Judgment shall be final and conclusive, and not subject to Review, by Suspension, Advocation, or Reduction, or otherwise; but reserving always to the Parish paying such Sum and Expences its Recourse against all others liable therefor, as accords of Law: Provided also, that the Procurator Fiscal shall repay to the Clerk of Supply, out of the Monies so to be recovered, the Sums which such Clerk of Supply shall have advanced for the keeping and maintaining of such furious or fatuous Person or Lunatic, as hereinbefore provided.

Lunatic may be removed on Application by Procurator Fiscal.

VI. And be it enacted, That if the Procurator Fiscal of any County shall make Application to the Sheriff for the Removal of any furious or fatuous Person or Lunatic from any licensed Madhouse, accompanied by a Certificate of Two Medical Men, qualified as aforesaid, to the Effect that such licensed Madhouse

house is unfit or unsuitable for the Confinement of such furious or fatuous Person or Lunatic, it shall be lawful for the Sheriff thereupon to grant Warrant for the Removal of such furious or fatuous Person or Lunatic from such licensed Madhouse to some other licensed Madhouse or public Hospital or Asylum, either in his own or in some adjoining County: Provided always, that Intimation of the intended Application shall be given (to be proved to the Satisfaction of the Sheriff) to the Party at whose Instance such furious or fatuous Person or Lunatic was confined; and the Expences attending such Application for Removal, and of the Keeping and Maintenance of such furious or fatuous Person or Lunatic in the public Hospital or Asylum or licensed Madhouse to which he or she shall be so removed, shall be defrayed by the Party liable for the Expence of the Keeping and Maintenance of such furious or fatuous Person or Lunatic in the public Hospital, public Asylum, or licensed Madhouse from which he or she shall be so removed.

VII. And be it enacted, That all Parish Paupers, furious or fatuous Persons, or Lunatics, to be confined under the Power of the said recited Acts and this Act, shall be sent to a public Hospital or public Asylum, unless the Sheriff, on Cause shown to his Satisfaction, shall be of opinion, that in the special Circumstances of the Case it is more expedient to commit any such Parish Pauper, furious or fatuous Person, or Lunatic, to a licensed Madhouse.

Parish Pauper Lunatics to be confined in public Hospitals.

VIII. And be it enacted, That it shall be lawful for any Sheriff, in whose County there shall be no public Hospital or public Asylum, to authorize the Confinement of any furious or fatuous Person or Lunatic in a public Hospital or public Asylum or licensed Madhouse of any adjoining County: Provided always, that in the Case of a Parish Pauper, furious or fatuous Person, or Lunatic, proposed to be so sent to any licensed Madhouse, the Consent of the Sheriff of the County in which such licensed Madhouse is situated shall be first had and obtained thereto.

If no public Hospital in the County, the Sheriff may send Lunatics to an adjoining County.

IX. And be it enacted, That the Death of any furious or fatuous Person or Lunatic in any licensed Madhouse shall, within Twenty-four Hours after the same shall have happened, be intimated in Writing by the Person keeping such Madhouse to the Sheriff of the County in which the same is situated, accompanied by a Certificate from the Medical Person who shall have attended such deceased Person, setting forth the Nature of the Disease occasioning the Death, how long such Disease had continued, and when such Medical Person was first required to give special Attendance upon the Deceased, and how often he thereafter visited him or her; and such Certificate shall also set forth whether any undue Delay had occurred in calling for the Assistance of such Medical Person; and any Person keeping or in the Care and Management of any

Death of Lunatic to be intimated.

licensed Madhouse, failing to make such Intimation, shall be liable in a Penalty not exceeding Twenty Pounds, and in default of Payment of such Penalty the Defaulter shall be liable to Imprisonment, by Warrant of the Sheriff, for any Period not exceeding Three Calendar Months.

Register to be kept.

X. And be it enacted, That in every licensed Madhouse there shall be regularly kept a Book, to be intituled "Madhouse Register," in which shall be distinctly set forth all the Particulars relating to every furious or fatuous Person or Lunatic who shall be received or detained in such Madhouse enumerated in the Schedule hereunto annexed.

Register Book to be transmitted yearly to the Sheriff Clerk.

XI. And be it enacted, That such Register Book, exhibiting all such Particulars up to the latest possible Date, shall, after being carefully sealed up, be transmitted, on or before the Fifth Day of *January* in each Year, to the Sheriff Clerk of the County in which such licensed Madhouse is situated, or if any such Madhouse shall be given up or discontinued as such during the Currency of the Year, then within a Week of the giving up or discontinuing the same; and any Keeper of any such Madhouse, disregarding or neglecting any of these Provisions, either as to the keeping of such Register, or duly transmitting the same, shall for every such Offence be liable in a Penalty not exceeding Twenty Pounds.

Register Book to be preserved.

XII. And be it enacted, That the Sheriff Clerk of every County receiving such Register Book shall, without breaking the Seals affixed thereto, exhibit the same to the Sheriff, who, after making such Examination thereof as he may deem proper, shall again seal up such Register Book, and shall cause the same to be preserved in the Sheriff Clerk's Office; and it is hereby specially provided that such Seals shall not be broken, or any Inspection of the Contents of such Register Book take place, without any Cause shown to the Satisfaction of the Sheriff, or without his written Authority; and any Person removing any such Seals, or taking or admitting to be taken any Inspection of the Contents of such Register Book, without such written Authority, shall be liable in a Penalty not exceeding Twenty Pounds.

Fees of Licences may be diminished.

XIII. And be it enacted, That where it shall appear, from the annual Accounts rendered by the Sheriff of the Expences incurred by his Direction in carrying the said recited Acts and this Act into effect, that the Monies received by the Sheriff Clerk for Licences granted under the said Acts, together with the Monies received by the Procurator Fiscal for Penalties imposed by virtue of the said recited Acts and of this Act, exceed the Sums required for carrying the same into execution, it shall be lawful for the Sheriff and he is hereby required from Time to Time to take and direct to be taken for each of such Licences such smaller Sum as will in his Estimation be adequate to defray such Expences, and no more; and thereafter, if such smaller Sum shall not be found to prove adequate, again to raise

raise the same to such Sum as shall in his Estimation be adequate to meet such Expences, and no more ; such Sum in no Case to exceed the Sums authorized to be taken by the said recited Acts and this Act.

XIV. And be it enacted, That the said recited Acts shall apply to and be interpreted with this Act for the more effectually in all respects carrying the same into execution.

Recited Acts to be interpreted with this Act.

XV. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

Act may be amended, &c.

SCHEDULE referred to in the Act.

FORM of REGISTER to be kept in all licensed MADHOUSES in SCOTLAND.

House, where situated, and by whom kept.	Names and Designations of Individuals confined.	Date of Reception.	At whose Instance confined, and on whose Medical Certificate.	Whether supposed curable or incurable.	Date of Removal or Discharge, and Authority for either.	Date of Death.	Disease or Cause of Death, and Duration of Disorders.	Name of Medical Practitioner; when first called to give special Attendance, and how often he afterwards visited the Deceased.	Place of Burial.

CAP. LXI.

An Act to defray the Charge of the Pay, Clothing, and contingent and other Expences of the Disembodied Militia in *Great Britain* and *Ireland*; and to grant Allowances in certain Cases to Subaltern Officers, Adjutants, Paymasters, Quartermasters, Surgeons, Assistant Surgeons, Surgeons Mates, and Serjeant Majors of the Militia, until the First Day of *July* One thousand eight hundred and forty-two.

[22d June 1841.]

‘ WHEREAS it is necessary that Provision should be made
 ‘ for defraying the Charge of the Pay, Clothing, and
 ‘ contingent and other Expences of the Regular Militia, and of
 ‘ the Miners of *Cornwall* and *Devon*, when disembodied, in
 ‘ *Great Britain* and *Ireland*; and for making in certain Cases
 ‘ Allowances of Reduced Pay to Subaltern Officers and Sur-
 ‘ geons Mates and Assistant Surgeons of the Regular Militia,
 ‘ and of the Miners of *Devon* and *Cornwall*, while disembodied;
 ‘ and Allowances to Adjutants, Paymasters, Surgeons, Quarter-
 ‘ masters, and Serjeant Majors of the Regular Militia who
 ‘ have been or may be reduced, and to Adjutants, Surgeons,
 ‘ and Quartermasters disabled after long Service:’ Be it there-
 fore enacted by the Queen’s most Excellent Majesty, by and
 with the Advice and Consent of the Lords Spiritual and Tem-
 poral, and Commons, in this present Parliament assembled,
 and by the Authority of the same, That the Secretary at War
 for the Time being may and shall and he is hereby authorized,
 empowered, and required to cause to be issued and paid the
 whole Sum required for the Regular Militia of *Great Britain*
 and *Ireland* (when disembodied), in the Manner and for the
 several Uses herein-after mentioned; (that is to say,) for the Pay
 of the said Regular Militia at the Rates following; (that is to
 say,)

Secretary at
 War to issue
 the Money re-
 quired for the
 Pay of the
 Regular Militia.

Rates of Pay.

For each Adjutant, Eight Shillings *per Diem*:

For each Serjeant Major, having been Serjeant Major of a
 Provisional Battalion of Militia, Two Shillings and Sixpence
per Diem:

For each Serjeant Major, where one is appointed in Corps
 consisting of Two or more Companies, One Shilling and
 Ten-pence *per Diem*:

For each Serjeant having been a Colour Serjeant in one of
 the Provisional Battalions of Militia, Two Shillings *per*
Diem:

For each Serjeant, One Shilling and Sixpence *per Diem*:

Rates of Pay
 when absent on
 Furlough.

Provided always, that when any Serjeant Major or Serjeant
 shall be absent on Furlough or Licence he shall during such
 Absence receive Sixpence *per Diem* less than the above-men-
 tioned Rates respectively:

And

And also for the Clothing of the Regular Militia (when disembodied), in Cases in which full Clothing shall be provided by the Colonel or Commandant, at the Rate of Five Pounds Twelve Shillings and One Penny for each Serjeant Major, and Three Pounds for each Serjeant; and so in proportion, in the Cases in which only Part of the Clothing shall be provided by the Colonel or Commandant, together with the actual Expence of Package and Carriage, and such Charges for altering and fitting the Clothing as shall have been sanctioned by the Secretary at War: Provided always, that such Serjeant Majors and Serjeants as were serving on the Disembodied Staff on the First Day of *June* One thousand eight hundred and twenty-nine, and shall be resident at Head Quarters, shall be entitled to be clothed once in Two Years; and that such as shall have been subsequently appointed to serve or promoted on the Disembodied Staff shall be entitled to be clothed once in Four Years: And also at the Rate of Sixpence *per Annum* for each Private Man for defraying the contingent Expences of each Regiment, Battalion, or Corps.

Clothing.

Contingent Fund.

II. And be it enacted, That every Adjutant and Non-commissioned Officer on the Staff of the Regular Militia, when disembodied, shall be constantly resident within the City, Town, or Place where the Depôt of the Corps to which they belong may be ordered to be stationed, or within such reasonable Distance of the Depôt as shall be sanctioned by the Secretary at War: Provided always, that every such Adjutant and Non-commissioned Officer shall forfeit his Pay for any Period during which he shall be absent, except when absent by Leave from the Colonel or Commandant of the Regiment, Battalion, or Corps, which Leave shall not, except in case of certified Sickness, extend beyond Three Calendar Months in One Year, nor to a greater Proportion than One Third of the Non-commissioned Officers at the same Time.

Adjutant, &c. to reside where the Arms of the Corps are kept.

III. And be it enacted, That the Adjutant of each Regiment of Militia shall have the Charge and Care of the Arms, Accountments, Great Coats, Clothing, Necessaries, and other Stores thereof, under the Superintendence of the Colonel or Commandant; and shall, out of the Allowance of Sixpence *per Annum* for each Private Man directed by this Act to be issued and paid for defraying the contingent Expences of such Regiment, Battalion, or Corps, from Time to Time issue and pay such Sums of Money as may be necessary for the Repair of Arms, and other usual contingent Expences, upon an Order in Writing signed by the Colonel or other Commandant; and after Payment of such Sums as aforesaid he shall Three Times in the Year make up Accounts of all such Money, and of the Expenditure thereof, showing the Balance remaining in his Hands, (which said Balance shall form a Stock Purse for the Use of the Regiment, Battalion, or Corps,) and shall transmit the same to the Colonel or other Commandant of such Regiment, Battalion, or Corps, to be by him examined, allowed, and signed; and the said Accounts so allowed and signed shall be

Adjutant to have Charge of Arms and Clothing, and to issue Money for contingent Expences on an Order signed by the Colonel.

Balance to form a Stock Purse.

and are hereby directed to be the proper Vouchers and Acquittal of such Adjutant for the Application and Disposal of such Money.

In Absence of the Adjutant, the Serjeants to be under the Command of the Serjeant Major.

IV. And be it enacted, That in the occasional and unavoidable Absence of the Adjutant from the City, Town, or Place where the Disembodied Staff is quartered, or during any Vacancy in the Appointment of Adjutant, the Serjeants shall be under the Command of the Serjeant Major, or of some Serjeant who shall be appointed by the said Adjutant, with the Approbation of the Colonel or other Commanding Officer, to act as Serjeant Major during the Absence of such Adjutant; and the said Serjeant Major or acting Serjeant Major shall render the same Returns and perform such other Acts as are by Law required from the Adjutant.

Militia when called out for Training or Exercise entitled to Pay.

V. And be it enacted, That the Officers and Non-commissioned Officers, Drummers, and Private Men of the Regular Militia shall, for the Period or Periods during which they shall be called out for the Purpose of Exercise or Training, be entitled to the same Pay and Allowances as the Officers, Non-commissioned Officers, Drummers, and Private Men of the Militia when embodied.

Allowances to Subalterns and Surgeons Mates and Assistant Surgeons.

VI. And whereas it is expedient to grant Allowances to certain Officers of the said Militia Forces of *Great Britain* and *Ireland*, while disembodied, under certain Regulations; be it enacted, That the following Allowances shall be made and paid, to the Amount, under the Restrictions, and in the Manner herein-after expressed, to every Subaltern Officer and Surgeon's Mate in *Great Britain*, and to every Subaltern Officer and Assistant Surgeon in *Ireland*, who held a Commission in the Militia of *Great Britain* or *Ireland*, and was serving therein when the Corps was last disembodied, and also to every Supernumerary Subaltern Officer and Assistant Surgeon of any Regiment of Militia in *Ireland* which was augmented during the War, and which has been reduced to its original Establishment; (that is to say,)

To a Lieutenant, Two Shillings and Sixpence *per Diem* :

To an Ensign, Two Shillings *per Diem* :

And to a Surgeon's Mate or Assistant Surgeon, Two Shillings and Sixpence *per Diem* :

Rank of certain Officers.

Provided always, that for the Purposes of this Act all Officers of the Militia serving with the Rank of Captain Lieutenants shall be deemed to be Lieutenants, and all Officers serving with the Rank of Second Lieutenant shall be deemed to be Ensigns; and that the Supernumerary Subalterns and Assistant Surgeons of Regiments of Militia in *Ireland* as aforesaid shall be deemed to have belonged to such Regiments when they were last disembodied, and to have continued to serve therein from that Time.

Certain Persons not entitled to Allowances.

VII. Provided also, and be it enacted, That no Person who is or shall during the Continuance of this Act become possessed of such an Estate or Income as would by Law qualify him to hold the Commission of Captain of a Company in the said

Militia, or who is or shall be appointed Adjutant in any Regiment, Battalion, or Corps of Militia, nor any Officer on Full Pay of the Navy, Army, or Marines, shall have or be in any way entitled to the said Allowances, or any Part or Share thereof; any thing herein contained to the contrary thereof in anywise notwithstanding.

VIII. And be it enacted, That the Subaltern Officers, Surgeons Mates, and Assistant Surgeons of the Militia, who shall claim under the Authority of this Act to receive any Part of the said Allowances, shall, previous to receiving the same, and in order to entitle themselves thereto, take and subscribe a Declaration before some one of Her Majesty's Justices of the Peace of the United Kingdom, or before some one of Her Majesty's Ministers, Secretaries of Embassy, of Legation, or Consuls abroad, in the Words or to the Effect following; (*videlicet*,)

A Declaration to be taken to entitle Officers, &c. to such Allowances.

‘ I *A.B.* do solemnly and sincerely declare, That I belonged
 ‘ to the _____ of Militia when the same was
 ‘ disembodied, and that I have continued to serve therein from
 ‘ that Time until the _____ Day of _____
 ‘ inclusive, as a [Lieutenant, Ensign, Surgeon's Mate, or Assis-
 ‘ tant Surgeon, *as the Case may be*]; and that I was not in my
 ‘ own Right, or in the Right of my Wife, during any Part of
 ‘ the Period for which I now claim to receive my Allowance,
 ‘ that is to say, from the _____ Day of _____ to
 ‘ the _____ Day of _____ both inclusive, in the
 ‘ actual Possession and Enjoyment or Receipt of the Rents and
 ‘ Profits of Lands, Tenements, or Hereditaments of such an
 ‘ annual Value above Reprises as would qualify me to hold a
 ‘ Commission of Captain of a Company in the Militia; that I
 ‘ was not in Holy Orders; that I have not during the above
 ‘ Period held the Appointment of Adjutant, Surgeon, Pay-
 ‘ master, or Quartermaster, in any Regiment, Battalion, or
 ‘ Corps of Militia; that I did not hold or enjoy, nor did any
 ‘ Person for me hold or enjoy, during the said Period, any
 ‘ Place, Office, or Employment of Profit, Civil or Military,
 ‘ under the Crown, or any other Government, besides the Allow-
 ‘ ance of _____ a Day now claimed, except my Half
 ‘ Pay as a _____ [of the Army or Navy or Marines,
 ‘ or of a Provisional Battalion formed from the Militia, *as the*
 ‘ *Case may be*], and any Pay and Allowances from the
 ‘ to the _____ both Days inclusive, during which Period
 ‘ the Corps was assembled for Training and Exercise.’

Form of Declaration.

Which Declaration, so taken and subscribed, shall be produced to the Paymaster General of Her Majesty's Forces by the Subaltern Officer, Surgeon's Mate, or Assistant Surgeon claiming the Allowance.

IX. And be it enacted, That the Allowances granted to certain Paymasters, Surgeons, and Quartermasters of the Militia of *Great Britain and Ireland*, on their being reduced in pursuance of an Act passed in the Tenth Year of the Reign of His Majesty King *George* the Fourth, shall be issued and paid under the Restrictions and in the Manner herein-after expressed during

Allowances to Officers reduced in 1829.

the Continuance of this Act, and that it shall be lawful for the Secretary at War to place any such Paymaster, Surgeon, or Quartermaster, when unfit for further Duty, upon a retired Allowance equal to and in lieu of his reduced Allowance.

A Declaration to be taken by Officers claiming the said Allowances.

X. And be it enacted, That every Paymaster, Surgeon, and Quartermaster of Militia, who shall claim under the Authority of this Act to receive any Part of the said Allowances, shall, previous to receiving the same, and in order to entitle himself thereto, take and subscribe a Declaration before some one of Her Majesty's Justices of the Peace in the United Kingdom, or before some one of Her Majesty's Ministers, Secretaries of Embassy or of Legation, or Consuls abroad, in the Words or to the Effect following; (that is to say;)

Form of Declaration.

' [A.B. do solemnly and sincerely declare, That I was serving
' as Paymaster, Surgeon, or Quartermaster [as the Case may
' be] in the of Militia at the Reduction of
' the Staff of the said Militia in One thousand eight hundred
' and twenty-nine; and that I was not in Holy Orders during
' any Part of the Period for which I now claim to receive an
' Allowance, (that is to say,) from the Day
' of One thousand eight hundred and
' to the Day of One thousand
' eight hundred and ; and that I did not hold
' or enjoy, nor did any Person for me hold or enjoy, during any
' Part of the said Period; any Place, Office, or Employment of
' Profit, Civil or Military, under the Crown, or any other
' Government, besides the Allowance of a
' Day now claimed, except my Half Pay as a
' [of the Army or Navy or Marines, or of a Provisional Bat-
' talion formed from the Militia, as the Case may be], and
' except my Pay and Allowances from the
' to the both Days inclusive, during which
' Period the Militia was assembled for Training
' and Exercise.'

Which Declaration, so taken and subscribed, shall be produced to the Paymaster General of Her Majesty's Forces by the Paymaster, Surgeon, or Quartermaster claiming the Allowance: Provided always, that any Paymaster, Surgeon, or Quartermaster receiving such Allowance, and being on Naval or Military Half Pay, or entitled to any Allowance as having served in any of Her Majesty's Regular Forces, or Navy, or Marines, shall, notwithstanding such Militia Allowance, be entitled to receive such Half Pay or Allowance.

Out-Pension to Reduced Non-commissioned Officers and Drummers not to be received while serving.

XI. ' And whereas certain Non-commissioned Officers and Drummers of the Militia of the United Kingdom of Great Britain and Ireland have, on the Reduction of the Establishment of the Disembodied Staff, been placed on the Out-Pension, although not unfit for further Service; be it enacted, That no Non-commissioned Officer or Drummer so placed on Pension shall be entitled to receive the said Pension for any Period during which he shall be receiving Pay in the Militia.

XII. And

XII. And be it enacted, That every Paymaster, Surgeon, or Quartermaster on the reduced Allowance, and every Subaltern Officer, Surgeon's Mate, and Assistant Surgeon of the Militia, who shall be entitled or claim to be entitled to any Allowances as aforesaid, shall regularly attend the Exercise and Training of the Regiment, Battalion, or Corps to which he belongs during the whole of the Time it shall be assembled for that Purpose, and shall during the said Time punctually do and perform his Duty as a Paymaster, Surgeon, Quartermaster, Subaltern Officer, Surgeon's Mate, or Assistant Surgeon of such Regiment, Battalion, or Corps, on pain of forfeiting the said Allowance, as well as all Arrears of the said Allowance and of Pay; and a Certificate of his having so attended and performed his Duty, signed by the Commanding Officer of the Regiment, Battalion, or Corps to which he may belong, shall be transmitted to the Paymaster General by the Officer claiming the Allowance: Provided always, that in case any such Paymaster, Surgeon, Quartermaster, Subaltern Officer, Surgeon's Mate, or Assistant Surgeon, claiming to be entitled to such Allowance, shall by his Commanding Officer be permitted or suffered, for any special Cause or unavoidable Necessity, to be absent during the Whole or any Part of such Exercise, for which Purpose it shall be lawful for such Commanding Officer to grant such Leave of Absence, then and in such Case it shall be lawful for such Paymaster, Surgeon, Quartermaster, Subaltern Officer, Surgeon's Mate, or Assistant Surgeon, who may be so permitted to be absent, and have such Leave in Writing, to demand and receive the said Allowances and every Part thereof in like Manner as if he had attended during the whole of the said Exercise: Provided always, that the Reason for such Absence, as well as the Duration thereof, shall be carefully and truly specified in a Certificate (in lieu of that before mentioned), to be signed by the Commanding Officer, and to be furnished as soon as conveniently may be to the Paymaster General.

Subalterns,
Mates, &c. to
attend the
Exercise, &c.

Commanding
Officer may
grant Leave
of Absence.

XIII. Provided always, and be it enacted, That in case any Regiment, Battalion, or Corps of Militia shall not, before the Time fixed for the Payment of the said Allowances, be called out for the Exercise and Training thereof, every Paymaster, Surgeon, Quartermaster, Subaltern Officer, Surgeon's Mate, and Assistant Surgeon belonging to any such Regiment, Battalion, or Corps, and coming within the aforesaid Benefits of this Act, who shall have made and subscribed the Declaration herein-before mentioned before any Justice of the Peace or other Person as aforesaid, shall be entitled to the said Allowance as if he had regularly attended the Exercise and Training of such Regiment, Battalion, or Corps during the whole of the Time by Law appointed for that Purpose, and as if a Certificate of such Attendance, signed by the Commanding Officer of the Regiment, Battalion, or Corps, had been furnished.

If the Regiment be not called out before the Time fixed for the Payment the Allowance shall be paid, on making the Declaration, without Certificate of Attendance.

XIV. And be it enacted, That upon such Declarations and Certificates as aforesaid, or where any Regiment of Militia shall not

Allowances to be paid quarterly.

not

not have been called out to their Exercise as aforesaid, upon the said Declarations being produced to the Paymaster General, it shall be lawful for the Paymaster General, and he is hereby authorized and required, to pay to the said Paymasters, Surgeons, Quartermasters, Subaltern Officers, Surgeons Mates, and Assistant Surgeons their respective Allowances above mentioned for the usual quarterly or other proper Periods, without any Deduction whatsoever, the Declarations and Certificates before mentioned to be by him preserved and produced as Vouchers for the Payments.

On Neglect of Attendance, Subalterns, &c. shall forfeit their Claim to the Allowance.

XV. And be it enacted, That the Paymasters, Surgeons, Quartermasters, Subaltern Officers, Surgeons Mates, and Assistant Surgeons of Militia, entitled or claiming to be entitled to the aforesaid reduced or disembodied Allowances, shall at all Times be liable to serve in the respective Regiments, Battalions, or Corps to which they belong whenever the same shall be embodied and called out upon active Service; and in case of Neglect or Refusal to attend when called upon, on such Occasion or on such other Occasions as may be required in pursuance of the Laws in force respecting the Militia when disembodied, each and every such Paymaster, Surgeon, Quartermaster, Subaltern Officer, Surgeon's Mate, and Assistant Surgeon shall, on such Neglect or Refusal being certified to the Secretary at War, and, in respect of the Militia of *Great Britain*, to the Lord Lieutenant of the County, by the Colonel or other Commandant of the Regiment, Battalion, or Corps to which such Paymaster, Surgeon, Quartermaster, Subaltern, Surgeon's Mate, or Assistant Surgeon shall belong, forfeit his Claim to the said Allowance and every Part thereof, and shall also be considered as having resigned and vacated his Commission to all Intents and Purposes whatsoever.

Allowance not to be paid while the Militia is embodied.

XVI. And be it enacted, That nothing in this Act contained shall extend or be construed to extend to entitle any Paymaster, Surgeon, Quartermaster, Subaltern Officer, Surgeon's Mate, or Assistant Surgeon as aforesaid to the said Allowance, or any Part thereof, during the Time the Militia to which he belongs shall be embodied or assembled for Training and Exercise.

Persons on Half Pay, or entitled to Allowance as having served in the Army or Navy, empowered to receive Pay, &c. during Training.

XVII. Provided always, and be it enacted, That any Person being on Naval or Military Half Pay, or being entitled to any Allowance as having served in any of Her Majesty's Regular Forces or Navy or Marines, and serving in the Militia, shall and may and he is hereby empowered to receive and take the Pay and Allowances by this Act directed to be paid to the Field Officers, Captains, Lieutenants, Ensigns, Adjutants, Quartermasters, Surgeons, Surgeons Mates, and Assistant Surgeons, when assembled for annual Training; and the receiving and taking any such Pay and Allowances by any such Field Officer, Captain, Lieutenant, Ensign, Adjutant, Quartermaster, Surgeon, Surgeon's Mate, or Assistant Surgeon shall not prevent such Person on Half Pay, or being entitled to any such Allowance, from receiving his Half Pay or such Allowance: Provided always, that such Person shall, in the Declaration to be taken for

for the Receipt of the Half Pay or such Allowance, declare that he has received or is entitled to such Militia Pay and Allowances, and shall specify the Militia Rank which entitles him to the same.

XVIII. Provided always, and be it enacted, That no Adjutant, Quartermaster, Non-commissioned Officer, Drummer, or Private Man in the Regular Militia entitled to receive any *Chelsea* or *Kilmainham* Pension or Allowance on account of Service in the Regular Army shall forfeit or lose his Right to the same by reason of his serving and receiving Pay in the Regular Militia; nor shall any Quartermaster, Subaltern, Surgeon's Mate, or Assistant Surgeon forfeit or lose his Right to receive any such *Chelsea* or *Kilmainham* Pension or Allowance by reason of his receiving the Allowance by this Act granted to him when disembodied.

Adjutants, &c.
Non-commissioned Officers
or Privates, not
to lose their
Right to
Chelsea Pen-
sions, &c.

XIX. And be it enacted, That there shall be granted for each Regiment of Regular Militia, when disembodied, a Sum of Money after the Rate of One Guinea for every One hundred Men of each such Regiment, for the Expence of necessary Medicines for the sick Non-commissioned Officers, Drummers, Fifers, and Private Men of such Regiment, during the Period or Periods of Assembly for Exercise or Training; and also an Allowance of Two-pence *per* Week for each of the Non-commissioned Officers of each Regiment on the Disembodied Staff at Head Quarters for the Expence of necessary Medicines and Attendance given to the said Non-commissioned Officers while such Regiment is not called out for Training and Exercise.

Allowance to
be made for
Medicines.

XX. And be it enacted, That every Adjutant of Regular Militia appointed as such before the Twenty-fourth Day of *December* One thousand eight hundred and fourteen, who shall have served faithfully, either in Her Majesty's Regular Forces or in the Regular or Local Militia, for the full Term of Twenty Years in the whole, whereof Ten shall have been in Service as an Adjutant of Regular Militia, and who shall be by Age or Infirmary rendered unfit for further Service, shall, on producing to the Secretary at War a Certificate of such Service of Twenty Years as aforesaid from the Commanding Officers of the different Corps to which he shall have belonged, and upon obtaining an Order from the Secretary at War founded upon such Certificate, be entitled to receive, and the Paymaster General shall and he is hereby authorized to pay to such Person, an Allowance at the Rate of Eight Shillings *per Diem*: Provided always, that no Person shall be entitled to receive such Allowance as aforesaid who shall hold any Military Office or Employment of Profit under Her Majesty or any other Government; and that no Person who before the First Day of *June* One thousand eight hundred and twenty-nine held any Civil Place or Employment of Profit under the Crown, or in the Colonies or Possessions of Her Majesty beyond the Seas, or under any other Government, shall receive any Part of the said Allowance for any Time during which he held such Civil Place.

Adjutants ap-
pointed before
24th Dec. 1814
entitled to re-
ceive, after a
Service of 20
Years, if unfit
for further Ser-
vice, an Allow-
ance of 8s. *per*
Day;

provided they
do not hold
certain other
Appointments.

Place or Employment, except in the Cases in which the Emoluments of such Civil Place or Employment shall not exceed Three Times the Amount of the said Allowance, and unless in such excepted Cases the Royal Consent to the holding of such Civil Place or Employment shall have been signified through the Secretary at War; and that no Person appointed on or after the First Day of *June* One thousand eight hundred and twenty-nine to any Civil Place or Employment of Profit under Her Majesty, or in the Colonies or Possessions of Her Majesty beyond the Seas, or under any other Government, shall receive any Part of the said Allowance for any Time during which he shall hold such Civil Place or Employment: Provided always, that any Adjutant appointed after the Twenty-fourth Day of *December* One thousand eight hundred and fourteen, who shall have served faithfully, either in Her Majesty's Regular Forces or in the Regular or Local Militia, for the full Term of Thirty Years in the whole, whereof Fifteen shall have been in Service as an Adjutant of Regular Militia, and who shall be by Age or Infirmary rendered unfit for further Service, shall, upon producing to the Secretary at War a Certificate of such Service of Thirty Years as aforesaid from the Commanding Officers of the different Corps to which he shall have belonged, and upon an Order from the Secretary at War founded upon such Certificate, be entitled to receive an Allowance at the Rate of Six Shillings a Day, in like Manner and subject to the same Restrictions and Conditions as the aforesaid Allowance of Eight Shillings: Provided also, that no such Adjutant shall lose any Right he may have to Half Pay or Out-Pension by reason of receiving such Allowance of Eight Shillings or Six Shillings a Day as aforesaid, but shall be entitled to receive such Half Pay or Out-Pension as well as such Allowance: Provided always, that in Cases of very long and meritorious Services it shall be lawful for the Secretary at War to extend to any Adjutants appointed between the Twenty-fourth Day of *December* One thousand eight hundred and fourteen and the Ninth Day of *July* One thousand eight hundred and twenty-three the Terms, either in whole or in part, herein-before prescribed for the Retirement of Adjutants appointed before the Twenty-fourth Day of *December* One thousand eight hundred and fourteen.

Adjutants appointed since 24th Dec. 1814 entitled to receive, after Thirty Years Service, &c. an Allowance of 6s. per Day.

Right to Half Pay reserved.

Certain Terms extended to Adjutants in Cases of long and meritorious Services.

Allowances to Adjutants, Surgeons, and Quartermasters.

Right to Half Pay reserved.

XXI. ' And whereas certain Allowances have been granted in pursuance of former Acts to Adjutants, Surgeons, and Quartermasters of Regular Militia who have by Age or Infirmary been rendered unfit for further Service;' be it enacted, That such Allowances shall be issued and paid, during the Continuance of this Act, in like Manner and subject to the same Restrictions as the Allowances granted by this Act to Adjutants who shall by Age or Infirmary be rendered unfit for further Service: Provided always, that no Person receiving such Allowance shall by reason thereof forfeit his Right to any Half Pay to which he may be entitled.

XXII. And

XXII. And be it enacted, That in case any Regiment, Battalion, or Corps of Militia shall have already ceased and determined or been reduced in its Establishment, or shall cease and determine or be reduced in its Establishment during the Continuance of this Act, the Sum of Four Shillings *per Diem* shall be paid to such Person as was or shall be actually serving as Adjutant to such Regiment, Battalion, or Corps at the Time of Reduction, from the Thirtieth Day of *June* One thousand eight hundred and forty-one, or from the Time such Regiment shall cease and determine or be reduced in its Establishment, (as the Case may be,) to the Thirtieth Day of *June* One thousand eight hundred and forty-two, in like Manner and subject to the same Restrictions and Conditions as the Allowances granted by this Act to Adjutants who shall by Age or Infirmity be rendered unfit for further Service: Provided always, that no such reduced Adjutant shall lose any Right he may have to Half Pay of the Navy, Army, Marines, or Provisional Battalion formed from the Militia, by reason of receiving such Allowance as last aforesaid, but shall be entitled to receive such Half Pay as well as such Allowance.

Reduced Adjutants to receive 4s. per Day till 30th June 1842.

Right to Half Pay reserved.

XXIII. ' And whereas certain Adjutants and Serjeant Majors are entitled to and have received certain Allowances in consequence of having been reduced under the Provisions of an Act passed in the Thirty-ninth and Fortieth Years of the Reign of His Majesty King *George* the Third, which Allowances have been continued, and as to such Adjutants augmented to Four Shillings *per Diem* ;' be it therefore enacted, That all such Adjutants and Serjeant Majors shall be entitled to receive and shall receive such Allowance from the Thirtieth Day of *June* One thousand eight hundred and forty-one to the Thirtieth Day of *June* One thousand eight hundred and forty-two.

Adjutants and Serjeant Majors entitled to Allowance under 39 & 40 G. 3. c. 44.

XXIV. And be it enacted, That every reduced Adjutant entitled to any Allowance granted under the said Act of the Thirty-ninth and Fortieth Years aforesaid, and continued by any subsequent Acts or by this Act, may receive and take such Allowance, together with any Full Pay, Half Pay, or Allowance which was tenable, together with such reduced Allowance, under the Provisions of an Act passed in the Twenty-sixth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for amending and reducing into One Act of Parliament the Laws relating to the Militia in that Part of Great Britain called England*, or under the Provisions of the aforesaid Acts of the Thirty-ninth and Fortieth Years of the Reign of His Majesty King *George* the Third: Provided always, that no such reduced Adjutant shall be entitled to receive any Allowance under this Act during the Time he shall hold any Military Office of Profit under Her Majesty other than such as aforesaid, or under any other Government, or any Civil Office or Employment under Her Majesty, or any other Government, otherwise than

Reduced Adjutants may take such Allowance with any Pay or other Allowance under 39 & 40 G. 3. c. 44. and 26 G. 3. c. 107.

Proviso.

than according to the Provisions of this Act in relation to the Allowances granted to Adjutants on account of Age or Infirmitv.

Restrictions as to Allowances to reduced Adjutants of the Local Militia.

XXV. ' And whereas certain Allowances have been granted ' to reduced Adjutants of the Local Militia;' be it enacted, That the said Allowances shall be issued and paid during the Continuance of this Act in like Manner and subject to the same Restrictions as the Allowances of the Paymasters, Surgeons, and Quartermasters of the Regular Militia who were reduced in the Year One thousand eight hundred and twenty-nine: Provided always, that in the Cases in which any such Local Militia Adjutants had been permitted to receive the said Allowances whilst holding any Civil Offices under the Crown, to which Offices they had been appointed previously to the Twenty-eighth Day of *July* One thousand eight hundred and twenty-eight, it shall be lawful to continue the Payment of the said Allowances under the same Regulations and Restrictions as those under which the Permission was originally granted.

Allowances to Clerks of General and Subdivision Meetings in England.

42 G. 3. c. 90.

XXVI. And be it enacted, That in every County in *England* and *Wales*, when the Regular Militia is or shall be raised, Allowances shall be made to the Clerks of General Meetings and to the Clerks of Subdivision Meetings of Lieutenancy, for their Trouble and Expences in the due Execution of an Act passed in the Forty-second Year of the Reign of His Majesty King *George* the Third, intituled *An Act for amending the Law relating to the Militia in England, and for augmenting the Militia*, and of any other Acts relating to the said Militia; and also to the Clerks of General Meetings and the Clerks of Subdivision Meetings of Lieutenancy for their Trouble and Expences in the due Execution of an Act passed in the Thirty-seventh Year of the Reign of His Majesty King *George* the Third, intituled *An Act for the better raising and ordering the Militia Forces for the Tower Hamlets in the County of Middlesex*, and any other Acts relating to the said Militia; and also to the Clerks of General Meetings and the Clerks of Subdivision Meetings of the Lord Warden and Deputy Wardens of the Stannaries of *Cornwall* and *Devon* for their Trouble and Expences in the due Execution of an Act passed in the Forty-second Year of the Reign of His Majesty King *George* the Third, intituled *An Act for repealing an Act made in the Thirty-eighth Year of the Reign of His present Majesty King George the Third, intituled ' An Act for raising a Body of Miners in the Counties of Cornwall and Devon for the Defence of the Kingdom during the present War, and for the more effectually raising and regulating a Body of Miners for the Defence of Great Britain,'* and of any other Acts relating to the said Militia; and in every County, Stewartry, City, or Place in *Scotland* where the Regular Militia is or shall be raised Allowances shall also be made to the Clerks of General Meetings and Clerks of the several Subdivision Meetings, and to Schoolmasters, Constables, and other Officers, for their Trouble and Expences in the due Execution of an Act passed in

37 G. 3. c. 25.

42 G. 3. c. 72.

Allowances to such Officers and others in Scotland.

in the Forty-second Year of the Reign of His Majesty King George the Third, intituled *An Act to raise and establish a Militia in Scotland*, and of any other Acts relating to the said Militia. 12 G. 3. c. 19.

XXVII. And be it enacted, That the said Allowances shall be granted as follows; (*videlicet*,) the Account shall be certified by the Lieutenant of the County, Stewartry, City, or Place, or by Two or more Deputy Lieutenants acting for such County, Stewartry, City, or Place, or by the Lord Warden of the Stannaries of *Cornwall* and *Devon*, or by Two or more Deputy Wardens of the Stannaries of *Cornwall* and *Devon*; and the Clerks of General and Subdivision Meetings in *Great Britain*, and the Schoolmasters, Constables, and other Officers in *Scotland*, shall make a Declaration as to the Justness of the Accounts, in the following Terms respectively, before some Justice of the Peace; (*videlicet*,)

Manner of granting Allowances.

Clerks, &c. to make Declaration of the Justness of their Accounts.

Declaration of a Clerk of General or Subdivision Meetings.

‘ I do solemnly declare, That the preceding Account, so far as regards my Interest therein, is a just and true Account of Business performed by me for and in behalf of the public Service, according to the Manner therein set forth; and the Sums claimed as disbursed were actually paid by me.’

Declaration of a Schoolmaster, Constable, or other Officer in Scotland.

‘ I do solemnly declare, That I am the Parochial Schoolmaster [or Constable or other Officer] of the District of in the Subdivision of the County of ; and that the preceding Account is a just and true Account of Business actually performed by myself for and in behalf of the public Service, according to the Manner therein set forth; and that I was employed on such Business the full Time therein stated; and that the Sums claimed as disbursed were actually paid by me.’

And the said Accounts shall be transmitted to the Secretary at War, who is hereby empowered to issue the Allowances according to the Rate specified in the Table to this Act annexed, or such Sums as he shall think reasonable and proper.

XXVIII. ‘ And whereas it is expedient that the Deputy Lieutenants acting in any Subdivision of any County, Stewartry, City, or Place in *Great Britain*, and the Special Deputy Wardens acting in any Subdivision in the Stannaries of the Counties of *Cornwall* and *Devon*, should be assisted by the Advice of a Surgeon in deciding upon the Appeals of Persons claiming to be exempt from Service in the Militia by reason of bodily Infirmity, and upon the Fitness for Service of the Persons presenting themselves for Enrolment;’ be it therefore enacted, That it shall be lawful for any Two Deputy Lieutenants, and they are hereby empowered and required, to Deputy Lieutenants may require the Attendance of any Surgeon residing near the Place of Meeting for Appeals.

summon,

summon, by Two Days previous Notice in Writing, any competent Surgeon residing at or nearest to the Place where any Meeting for Appeals or Enrolment shall be held, to attend at such Meeting; and every such Surgeon shall, before he begins any such Examination, make the following Declaration, which Declaration any Deputy Lieutenant is hereby authorized to administer; (*videlicet*,)

Declaration to be made by Surgeon.

‘ I do solemnly declare, That I will, to the best of my Ability, faithfully and truly report as to the Fitness for Service of the Man or Men about to be submitted to my Examination, and that I will not receive from any of them any Fee or Reward whatever for any such Examination.’

Allowance to Surgeon.

And every such Surgeon shall receive for each Day's Attendance at such Meeting a Sum not less than Half a Guinea nor exceeding Two Guineas, according to the Extent of the Duty performed: Provided always, that the Accounts and Vouchers upon which the said Allowances shall be recommended by the Deputy Lieutenants of the respective Subdivisions shall be transmitted to the Secretary at War, with the Accounts of the Lieutenancy Clerks, for Examination and Payment.

Pay, &c. to be issued under Directions of the Secretary at War.

XXIX. And be it enacted, That all Sums of Money granted for the Pay, Clothing, contingent and other Expences, and for the Allowances to the Officers and Men of the Regular and Local Militia, when disembodied, shall be issued and paid under the Direction of the Secretary at War, by the Acceptance of Bills or otherwise, according to such Regulations as have been or shall be established on that Head.

Bills drawn for Pay, &c. may be on unstamped Paper.

XXX. And be it enacted, That all Bills, Drafts, and Orders drawn for Pay or Allowances under this Act may be or shall be drawn upon unstamped Paper; and no such Bill, Draft, or Order shall be void by reason of being drawn or written on unstamped Paper.

No Fee to be taken.

XXXI. Provided always, and be it enacted, That no Fee or Gratuity whatsoever shall be given or paid for or upon account of any Warrant or Sum of Money which shall be issued in relation to or in pursuance of this Act.

Expence of House for depositing Arms and Stores of the Militia in Ireland, &c. to be defrayed by the County.

XXXII. And be it enacted, That the Hire of any House or Place to be provided for the keeping of the Arms, Accoutrements, Clothing, or other Stores, and for the Residence and Accommodation of the Adjutant belonging to any Regiment or Battalion of Militia in *Ireland*, when not embodied, shall be defrayed by the County; and the necessary Sum for that Purpose, and for all other Sums of Money and Expences payable and to be defrayed by the County in respect of the Militia of the County, and all Arrears of any such Hire due for the Hire or Rent of any House heretofore provided, and which Rent shall not have been presented and paid before the passing of this Act, or which shall hereafter become due for any such House, and all Arrears of any such other Sums or Expences aforesaid which shall have become due before the Certificate thereof shall be transmitted as hereafter mentioned, shall be raised

raised by the Presentment of the Grand Jury of the said County, and which Presentment the Grand Jury of the County is hereby authorized and required to pass on a Certificate signed by the Chief Secretary of the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, or, in the Absence of such Chief Secretary, by the Under Secretary, or by the First Clerk in the Military Department, and specifying the Rent agreed to be paid for the same; which Certificate shall be transmitted by such Chief or Under Secretary or First Clerk to the Clerk of the Crown for such County, or at any Time prior to the First Day of the Assizes for such County, or if in the County or County of the City of *Dublin*, then prior to the First Day of the Presenting Term; provided that in no Case any greater Rent than Fifty Pounds Currency of the United Kingdom of *Great Britain* and *Ireland* shall be presented by such Grand Jury for the annual Rent of such House or Place.

Proviso as to
Amount of
Rent.

XXXIII. And be it enacted, That all Provisions, Directions, Clauses, Matters, and Things in this Act contained relating to Counties, and to Regiments of Militia respectively, shall extend and be construed to extend to all Ridings, Shires, Stewartries, Cities, and Places, and to all Battalions, Corps, and independent Companies respectively, and to the Corps of Miners of *Cornwall* and *Devon*, as fully and effectually as if they were respectively repeated in every such Provision, Direction, Clause, and with relation to every such Matter or Thing.

Provisions of
this Act relating
to Counties
shall extend to
Ridings, Stew-
artries, &c.

XXXIV. And be it enacted, That this Act shall take effect and continue in force from the Thirtieth Day of *June* One thousand eight hundred and forty-one until the First Day of *July* One thousand eight hundred and forty-two.

Continuance of
Act.

TABLE to which this Act refers.

SCALE of RATES of REMUNERATION to the Clerks of General and Subdivision Meetings of Lieutenancy in Great Britain, including the Clerks of the Tower Hamlets and the Stannaries of Cornwall and Devon, and to Schoolmasters, Constables, and other Officers in Scotland, for carrying into execution Two Acts of Parliament passed in the Forty-second Year of the Reign of King George the Third, Cap. 90. and 91., and other Acts relating to the Militia.

ALLOWANCES TO THE CLERKS OF GENERAL MEETINGS.

1. For Trouble in calling a General Meeting by £ s. d.
Circular Letters or Advertisements (no separate Charge being made for writing the Letters or framing the Advertisements) - - 0 7 6

	£	s.	d.
2. For attending General Meetings at which the Statutory Quorum of Lieutenancy shall be present, each - - - - -	5	5	0
For each Meeting which shall be necessarily adjourned by the Clerk in consequence of the Absence of the Lord Lieutenant or Deputy Lieutenants - - - - -	1	11	6
Which Allowances are to be in full for engrossing Minutes, &c.			
3. For filling up printed Precepts to the High or Chief Constable of each Subdivision, Hundred, Lathe, Rape, or Wapentake in England and Wales, including the Tower Hamlets and the Stannaries of Cornwall and Devon, to return Lists, each - - - - -	0	0	6
For filling up printed Precepts to the Schoolmasters, Chief Constables, or other Officers in Scotland to return Lists, each - - - - -	0	0	6
4. For writing the annual Advertisements for regulating, arranging, and fixing the First Subdivision Meeting of the Deputy Lieutenants for receiving the Parochial Lists and hearing Appeals - - - - -	0	7	6
5. For arranging Subdivision Lists and making Abstracts thereof, Schedule (D.), for the Privy Council, the Secretary of State, and the Secretary at War (the latter Copy to be annexed to the Clerk's Accounts as a Voucher); videlicet;			
In Counties furnishing a Quota of 200 Men or under in the original Number of the Militia - - - - -	2	2	0
In Counties furnishing from 201 to 400 Men - - - - -	3	3	0
Ditto - 401 to 600 Men - - - - -	4	4	0
Ditto - 601 to 800 Men - - - - -	5	5	0
Ditto - 801 Men and upwards - - - - -	6	6	0
6. For striking the Proportion of Men to serve for the several Hundreds, Rapes, Lathes, Wapentakes, or other Divisions of a County in England and Wales, and for each respective Parish or other Division of a County or Stewartry in Scotland, under the several Acts of Parliament relating to the Regular Militia, when necessary to be done:			

In Counties furnishing a Quota of 200	£	s.	d.
Men or under - - -	-	1	1 0
Ditto - from 201 to 400 Men	-	2	2 0
Ditto - from 401 to 600 Men	-	3	3 0
Ditto - from 601 to 800 Men	-	4	4 0
Ditto - from 801 Men and upwards	-	5	5 0

7. For Trouble in engrossing in a Book the Names of the Men contained in each Subdivision Return of Enrolment, Schedule (E.):

For engrossing 50 Names and under	-	0	5 0
Ditto - 51 to 150 Names	-	0	10 0
Ditto - 151 to 250 Names	-	1	0 0
Ditto - 251 Names and upwards	-	1	10 0

8. For drawing out fair Copy of the Lord Lieutenant's annual Return of the Militia for the County, containing the Number, Names, and Rank of the Officers, and the Number of the Non-commissioned Officers, Drummers, and Private Men:

In Counties furnishing One Regiment, Battalion, or Corps	-	-	-	£	s.	d.
Ditto - Two - Ditto	-	1	10	0		
Ditto - Three - Ditto	-	2	0	0		

No separate Charge being made for Attendance upon the Lord Lieutenant or Deputy Lieutenants for his or their Signatures thereto.

Note.—This Allowance is of course only chargeable by the General Clerks for those Counties in Scotland which furnish the greatest Proportion of Men towards the Formation of the Regiment, Battalion, or Corps.

9. For Stationery:

To the Clerk of General Meetings in a County where the Number in the original Quota of the Militia is under 300 Men	-	2	0	0
Ditto - from 301 to 600 Men	-	3	0	0
Ditto - from 601 to 900 Men	-	4	0	0
Ditto - from 901 Men and upwards	-	5	0	0

10. For Copyings, Correspondence, et cetera, et cetera:

To the Clerk of the General Meetings in a County where the Number in the original Quota of the Militia is 200 Men or under	-	-	-	-	2	0	0
--	---	---	---	---	---	---	---

In a County furnishing from 201 to 400		£	s.	d.
Men	- - - -	-	3	0 0
Ditto	- from 401 to 600 Men	-	4	0 0
Ditto	- from 601 to 800 Men	-	5	0 0
Ditto	- from 801 Men and upwards	-	6	0 0

11. The actual Amount expended for printing and publishing the Advertisements, for Postages, Expresses, and Messengers, to be allowed upon an Account, specifying each Article of Postage, et cetera, certified specially by the Lieutenancy, whose Certificate shall state that the same were necessary and actually performed.

The Charge for printing and publishing Advertisements is invariably to be supported by the Receipt of the Person to whom paid.

TRAINING AND EXERCISE.

12. For filling up printed Notices to the Clerks of Subdivision Meetings of the Time and Place fixed by the Lord Lieutenant or Deputy Lieutenants for assembling the Militia to be trained and exercised, each Notice - - - 0 0 6
13. For making out correct Abstracts from the Adjutant's or other Commanding Officer's Returns, Schedule (F.), in the Form Schedule (G.), for Her Majesty's Secretary of State for the Home Department in Counties in England and Scotland furnishing a Quota towards the Formation of an entire Regiment or Battalion - - - - - 1 0 0
- In Counties in England, Wales, and Scotland furnishing One Regiment, Battalion, or Corps - - - - - 2 0 0
- Ditto - Two - Ditto - 3 0 0
- Ditto - Three - Ditto - 4 0 0

ALLOWANCES TO CLERKS OF SUBDIVISION MEETINGS.

14. For Trouble in calling a Subdivision Meeting by Advertisement, no separate Charge being made for writing Letters or framing Advertisement - - - - - 0 5 0
- Or for calling a Meeting by Circular Letters to the Deputy Lieutenants, the Adjutant, or other Commanding Officer, (no Charge being made for the Draft,) for each Letter - 0 1 0

15. For attending Subdivision Meetings, for each of £ s. d.
 the Three first or principal Meetings at which
 the Statutory Quorum of Lieutenancy shall
 be present; videlicet,
 For receiving Lists and hearing Appeals,
 For balloting,
 For enrolling,
 And for the Meeting held to apportion the
 Deficiencies among the Parishes, et
 cætera, when necessary to be done; and
 also for calling out the Quota or Appor-
 tionment of the Subdivision to be trained
 and exercised, which Allowance shall be
 in full for engrossing Minutes and
 making up Lists - - - 2 2 0
 And for each Meeting held by Adjournment to
 complete the Business of any or either of the
 Three first or principal Meetings above enu-
 merated, which Allowance shall be in full for
 engrossing Minutes and making up Lists - 1 5 0
 And for each Meeting which shall have been
 summoned, but which is necessarily postponed
 by the Subdivision Clerk in consequence of
 the Absence of the Deputy Lieutenant - 0 15 0
16. For filling up printed Precepts to the Chief
 or High Constables in England and Wales,
 including the Tower Hamlets and Stannaries
 of Cornwall and Devon, to give Notice of the
 Number of Men apportioned to serve for each
 Parish, and to issue out their Orders to the
 Petty Constables to serve Notices upon bal-
 lotted Men, each Precept - - - 0 0 6
 And for filling up printed Precepts to the
 Schoolmasters, Chief Constables, or other
 Officers in Scotland for the Performance of
 similar Duty, each Precept - - - 0 0 6
17. For Trouble in amending the Returns of Per-
 sons liable to serve in the Regular Militia,
 by taking out the Names of all Persons who
 may appeal, and whose Appeals or Claims of
 Exemption have been allowed, and inserting
 the Names of any Persons that have been
 omitted to be inserted, and in numbering the
 Returns, and making out the Tickets for the
 balloting, after the Rate of Two Pounds for
 every One thousand Names of Persons re-
 turned liable to serve, and so in proportion
 for greater or smaller Number of Men £2 per 1,000

18. For making out the annual Abstracts of Lists, £ s. d.
Schedule (C.), for the Use of the Clerk of
General Meetings, where the original Quota
or Appointment of the Subdivision is
- | | | | | | |
|--------------------------|---|---|---|---|---|
| 50 Men and under | - | - | 2 | 2 | 0 |
| From 51 to 150 Men | - | - | 3 | 3 | 0 |
| From 151 to 250 Men | - | - | 4 | 4 | 0 |
| From 251 Men and upwards | - | - | 5 | 5 | 0 |
19. For making out fair and true Copies of Lists of
Men enrolled for each Subdivision of a County
in Great Britain, including the Tower Ham-
lets and the Stannaries of Cornwall and
Devon, for the Use of the Clerk of General
Meetings, Schedule (E.), and the Colonel or
Commandant of the Regiment of the County ;
videlicet,
- | | | | | | |
|---|---|---|---|----|---|
| For a Roll containing 50 Names and
under | - | - | 0 | 5 | 0 |
| from 51 to 150 Names | - | - | 0 | 10 | 0 |
| from 151 to 250 Names | - | - | 0 | 15 | 0 |
| from 251 Names and upwards | - | - | 1 | 0 | 0 |
20. For Stationery to the Clerk of a Subdivision fur-
nishing Men towards the Quota of a County
in the following Proportions; videlicet.
- | | | | | | |
|--|---|---|---|----|---|
| For a Subdivision furnishing 50 Men and
under | - | - | 1 | 10 | 0 |
| from 51 to 150 Men | - | - | 2 | 0 | 0 |
| from 151 to 250 Men | - | - | 2 | 10 | 0 |
| from 251 Men and upwards | - | - | 3 | 0 | 0 |
21. For Correspondence, Copyings, et cetera, to the
Clerk of a Subdivision furnishing Men
towards the Quota of a County in the follow-
ing Proportions; videlicet,
- | | | | | | |
|--|---|---|---|---|---|
| For a Subdivision furnishing 50 Men and
under | - | - | 2 | 0 | 0 |
| from 51 to 150 Men | - | - | 3 | 0 | 0 |
| from 151 to 250 Men | - | - | 4 | 0 | 0 |
| from 251 Men and upwards | - | - | 5 | 0 | 0 |
22. The actual Amount expended for printing and
publishing Advertisements, for Postage, Ex-
presses, and Messengers, to be allowed upon
an Account specifying each Article of Postage,
and specially certified by the Lieutenancy,
whose Certificate shall state that the same
was necessary and actually performed.

The Charge for printing and publishing $\text{£ } s. d.$
 Advertisements is invariably to be supported by the Receipt of the Person to whom paid.

23. For Trouble in apportioning and distributing to the Constables of the several Townships, Parishes, et cetera, within the Limits of the Subdivision, the various Forms of Schedules, et cetera :

For a Subdivision furnishing 50 Men and under	-	-	-	-	-	0	5	0
from 51 to 150 Men	-	-	-	-	-	0	10	0
from 151 to 250 Men	-	-	-	-	-	0	15	0
from 251 and upwards	-	-	-	-	-	1	0	0

TRAINING AND EXERCISE.

24. For filling up printed Precepts to the High or Chief Constable in each Subdivision of any County in England and Wales, including the Tower Hamlets and the Stannaries of Cornwall and Devon, to issue out their Warrants to the Petty Constables, Tithingmen, or other Officers within their respective Hundreds to give Notice in Writing to the Men enrolled to attend the Training and Exercise of the Militia :

For each Precept containing 50 Names and under	-	-	-	-	-	0	5	0
from 51 to 150 Names	-	-	-	-	-	0	10	0
from 151 to 250 Names	-	-	-	-	-	0	15	0
from 251 Names and upwards	-	-	-	-	-	1	0	0

And for filling up printed Precepts to the Chief Constables, and to the Schoolmasters, Constables, or other Officers of the Parishes within the Subdivisions of any County, Stewartry, City, or Place in Scotland, to give Notice in Writing to the Men enrolled to attend the Training and Exercise of the Militia :

For each Precept containing 10 Names and under	-	-	-	-	-	0	0	6
from 11 to 30 Names	-	-	-	-	-	0	1	0
from 31 to 50 Names	-	-	-	-	-	0	2	6
from 51 to 70 Names	-	-	-	-	-	0	4	0
from 71 to 100 Names	-	-	-	-	-	0	7	0
from 100 upwards	-	-	-	-	-	0	10	0

25. For making out full and true Lists of the Names and Dates of Enrolment of all Persons enrolled within each Subdivision respectively, for the Use of the Commanding Officer and Adjutant of each Regiment, Battalion, or Corps of any County, Stewartry, City, or Place in Great Britain, previously to the Training and Exercise :

For a Roll containing 20 Names and under	-	-	-	-	-	0	2	6
from 21 to 50 Names	-	-	-	-	-	0	5	0
from 51 to 150 Names	-	-	-	-	-	0	10	0
from 151 to 250 Names	-	-	-	-	-	0	15	0
from 251 and upwards	-	-	-	-	-	1	0	0

26. For correcting the Books of Enrolment of the Subdivision so as to correspond accurately with the Extracts from the Adjutant's or other Commanding Officer's Return, Schedule (F.), of the State of the Classes of the Men forming the Quota or Appointment serving in the Regiment, Battalion, or Corps of Militia of any County, Stewartry, City, or Place in Great Britain :

For a Subdivision furnishing 50 Men and under	-	-	-	-	-	0	5	0
from 51 to 150 Men	-	-	-	-	-	0	10	0
from 151 to 250 Men	-	-	-	-	-	0	15	0
from 251 and upwards	-	-	-	-	-	1	0	0

ALLOWANCES TO SCHOOLMASTERS IN SCOTLAND.

27. For filling up and delivering Notices to Household-ers, for each Day consisting of Eight Hours - - - - - 0 5 0
28. For making out Lists, for each Folio consisting of Sixty Lines - - - - - 0 1 0
29. For attending Meetings of Lieutenancy, each Meeting - - - - - 0 10 0
30. For filling up and delivering Notices to balloted Men, per Day - - - - - 0 5 0
31. For Stationery, per Annum - - - - - 0 5 0

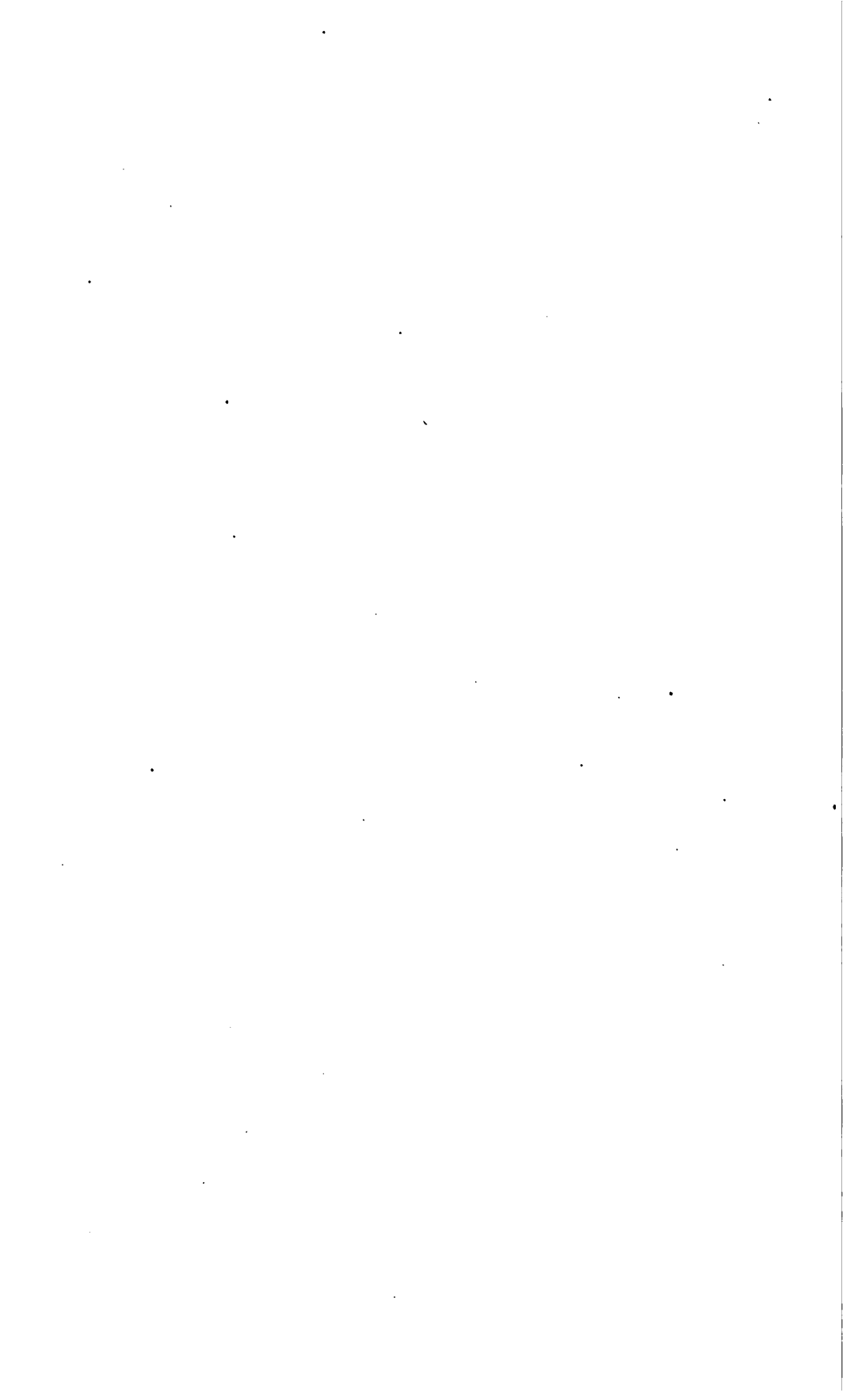
ALLOWANCES TO CONSTABLES IN SCOTLAND.

32. For filling up and delivering Notices to Household-ers, for each Day consisting of Eight Hours - - - - - 0 4 0

	£	s.	d.
33. For making out Lists, for each Folio consisting of Sixty Lines - - -	0	1	0
34. For attending each Meeting of Lieutenancy, per Day - - -	0	4	0
35. For filling up and delivering Notices to ballotted and enrolled Men, per Day - -	0	4	0
36. For Stationery, where the Lists are made out by the Constables, per Annum - -	0	5	0

SPECIAL CONTINGENT ALLOWANCES applicable to the Clerks of General and Subdivision Meetings of Lieutenancy respectively.

37. When it is necessary to call the Person from a Distance to perform the Duty of a General or Subdivision Clerk such Person shall have an Allowance for his travelling Expences not exceeding Nine-pence per Mile, and the Expences of Tolls and Ferry Money; but the Particulars of such Expences shall be specified in a Statement and certified by the Lieutenancy, and transmitted in support of the Charge in the Clerk's annual Account.
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INDEX

TO THE

PUBLIC GENERAL STATUTES,

4 & 5 VICTORIA.

Shewing whether they relate to the Whole or to any Part of the United Kingdom; viz.

<i>E.</i> signifies that the Act relates to	England (and Wales; if the Subject extends so far)
S. - - - - -	Scotland.
I. - - - - -	Ireland.
E. & I. - - - - -	England and Ireland.
G.B. - - - - -	Great Britain.
G.B. & I. - - - - -	Great Britain and Ireland.
U.K. - - - - -	The Whole of the United Kingdom.

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	53.	U.K.
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A
COLLECTION
OF THE
PUBLIC GENERAL STATUTES
PASSED IN THE
FIFTH YEAR
OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA,
1841.



LONDON:
PRINTED BY GEORGE E. EYRE AND ANDREW SPOTTISWOODE,
PRINTERS TO THE QUEEN'S MOST EXCELLENT MAJESTY:
And published in Numbers, *Price 2d. each,*
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194, Fleet Street.

1841.

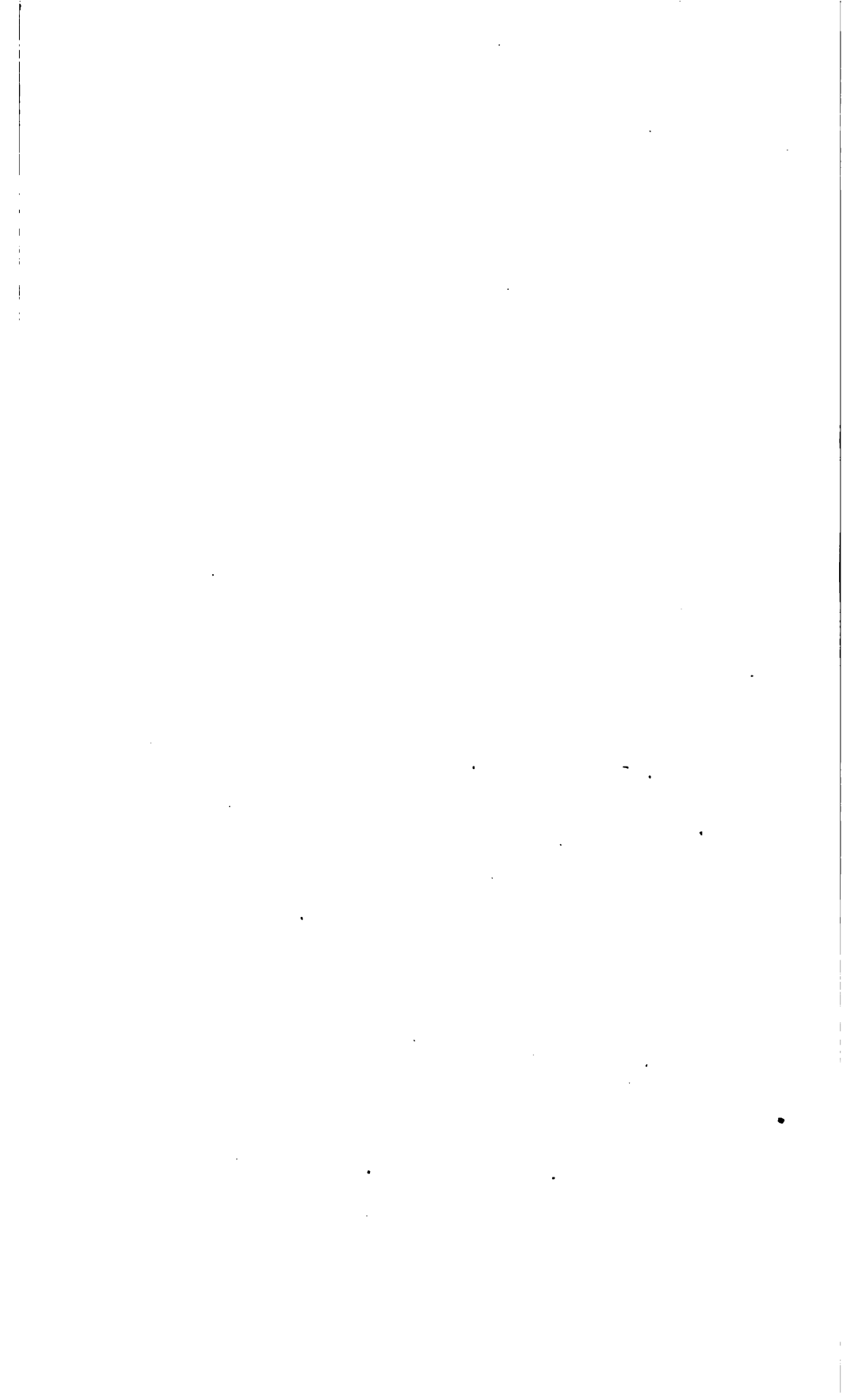
	Cap.	Relating to
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———— empowered to raise Money for certain Improve- ments in the Metropolis - - - - -	40.	E.
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Y.		
YORK HOUSE. See WOODS, FORESTS, &c.		

A
COLLECTION
OF THE
PUBLIC GENERAL STATUTES
PASSED IN THE
FIFTH YEAR
OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA,
1841.



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1841.



A

T A B L E

OF

The PUBLIC GENERAL STATUTES passed in the
FIRST Session of the FOURTEENTH Parliament
of the United Kingdom of *Great Britain* and
Ireland.

5 VICTORIA.

- I. AN Act to authorize Her Majesty's Commissioners of Woods to grant Building Leases of the Royal Kitchen Garden at *Kensington*, and to form and improve other Royal Gardens; and to enable the said Commissioners to purchase Lands of Copyhold or Customary Tenure. page 5
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THE
PUBLIC GENERAL STATUTES,

5 VICTORIA.

CAP. I.

An Act to authorize Her Majesty's Commissioners of Woods to grant Building Leases of the Royal Kitchen Garden at *Kensington*, and to form and improve other Royal Gardens; and to enable the said Commissioners to purchase Lands of Copyhold or Customary Tenure. [5th October 1841.]

WHEREAS the several Royal Kitchen Gardens for the Supply of Her Majesty, at *Buckingham Palace* and *Windsor Castle*, consist of the Gardens at *Kensington*, *Hampton Court*, and *Kew*, and the *Maestricht*, *Cranbourne*, *Frogmore*, and *Cumberland* Gardens at *Windsor*, and the same Gardens are detached, inconvenient, and of expensive Management, and do not afford sufficient Produce for the Use of Her Majesty and Her Royal Household: And whereas the Piece or Parcel of Ground used as Kitchen Gardens and for other Purposes at *Kensington Palace*, which is described in the Schedule to this Act (containing about Twenty-eight Acres), is well adapted for Building Purposes, and might be advantageously let on Building Leases, in the same Manner as other Lands, Part of the Land Revenue of the Crown, are usually let: And whereas it is expedient that a new Kitchen Garden should be attached to *Windsor Castle*, adequate for the Supply of Her Majesty and Her Royal Household, and that such other of the Royal Kitchen Gardens as are inconvenient should no longer be maintained; and it hath been estimated that the Value of the said Ground and Premises mentioned in the said Schedule, when let on Building Leases, would be sufficient to form a Fund for acquiring and forming such new Kitchen Garden, and for the Improvement of other Royal Kitchen Gardens: Now therefore may it please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Piece of Ground, Buildings, and Premises comprised in the said Schedule to this Act shall henceforth form Part and Parcel of the Possessions and Land Revenues

The Ground, Buildings, &c. comprised in the Schedule to form Part of the

Possessions of the Land Revenues of the Crown, and be placed under the Management of the Commissioners of Woods, Forests, &c. freed from the Restrictions of 10 G. 4. c. 50.

of Her Majesty in right of the Crown, and be under the Management and Control of the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings for the Time being, in such and the like Manner in all respects as the other Lands forming Part of the Possessions and Land Revenue of the Crown, and freed from the Restriction by an Act passed in the Tenth Year of the Reign of His Majesty King George the Fourth, intituled *An Act to consolidate and amend the Laws relating to the Management and Improvement of His Majesty's Woods, Forests, Parks, and Chases; of the Land Revenue of the Crown within the Survey of the Exchequer in England; and of the Land Revenue of the Crown in Ireland; and for extending certain Provisions relating to the same to the Isles of Man and Alderney*, contained or imposed, as to leasing all or any Part of any of the Royal Forests, Parks, or Chases in *England*; and that all Statutes, Laws, Provisions, and Regulations, Powers of Leasing, Sale, Exchange, and other Powers, now in force or hereafter to be in force relating or with respect to the Hereditary Possessions and Land Revenues of the Crown (not being Royal Palaces or Parks), shall be taken to extend and apply to the said Piece of Ground, Buildings, and Premises described in the said Schedule.

A Survey and Estimate to be made of the Value of the Ground, Buildings, &c.

II. And be it enacted, That the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings shall cause a Survey and Estimate of the Value of the said Piece of Ground, Buildings, and Premises to be taken and made by such able and practical Surveyor or Surveyors as shall be named for that Purpose by or under the Order and Direction of the said Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings; and the said Surveyor or Surveyors shall certify, by a Report in Writing under his or their Hand or Hands, what in his or their Judgment is the true Worth or Value of the said Piece of Ground, Buildings, and Premises; and every Person who shall be employed to make any Survey or Estimate as aforesaid shall annex to his Survey and Estimate a Declaration according to Law, to be made and subscribed by him before One of the said Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, or any Justice of the Peace or Magistrate.

Commissioners of Woods and Forests empowered to form a new Kitchen Garden at Windsor out of the Monies arising from the Land Revenue of the Crown.

III. And be it enacted, That the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, may (by the Direction of the Lord High Treasurer, or the Commissioners for executing the Office of Lord High Treasurer, or any Three or more of them, for the Time being), by and out of the Monies arising from the Land Revenue of the Crown which shall from Time to Time be at their Disposal, lay out any Sum or Sums of Money (not exceeding in the whole the Amount of the Valuation so to be made as aforesaid) in acquiring, and in the forming, improving, laying out, planting, and enclosing, such a Piece or Pieces of Land and Hereditaments at or near *Windsor* as shall be deemed convenient

venient for and as a Royal Kitchen Garden, for the Use of Her Majesty, Her Heirs and Successors, and in erecting, making, and completing all requisite Houses, Buildings, Walls, Sewers, and Drains and other Works, in and about and for the Purposes of such Royal Kitchen Garden; and such Land and Hereditaments, when acquired, shall be vested in Her Majesty, Her Heirs and Successors, and shall for ever thereafter be appropriated to the Use, Occupation, and Possession of the Sovereign, and be held with and be an Appendage to and form Part and Parcel of the Possessions of the Castle and Honor of *Windsor*, and be conducted, cultivated, and maintained and kept in repair in such and the like Manner, and be subject to such and the like Regulations, as the other Royal Gardens annexed to or forming Parcel of Royal Palaces now are conducted, cultivated, maintained, kept in repair, and subject to.

IV. Provided always, and be it enacted, That in case, after acquiring, making, and completing the said Royal Kitchen Garden and the Buildings and Works aforesaid, and after letting the Ground and Premises at *Kensington* aforesaid on Building Leases, it shall be ascertained that the Value of the said Ground and Premises exceeds the Outlay herein-before provided for, then and in such Case the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings shall (with the Consent of Her Majesty, Her Heirs and Successors, and of the Lord High Treasurer, or the Commissioners for executing the Office of Lord High Treasurer, or any Three or more of them, for the Time being,) lay out and apply the Surplus of the Amount of such Valuation which may not be expended in and about the said new Royal Kitchen Garden as aforesaid, or a sufficient Part thereof, in and about the Improvement and Enlargement of other Royal Gardens, and, subject as aforesaid, any Surplus of the Amount of the said Valuation shall be applied towards the Improvement of any of the Royal Parks or Royal Gardens as may, by Her Majesty, Her Heirs or Successors, be deemed expedient, and as Her Majesty, Her Heirs or Successors may be pleased to direct.

Application of Surplus of Amount of Valuation (if any) arising from letting the Ground, &c. at *Kensington* after providing for a new Kitchen Garden at *Windsor*.

V. 'And whereas it is expedient that the Powers now by Law vested in the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, to purchase, sell, lease, or exchange, on behalf of Her Majesty, Her Heirs or Successors, any Manors or Hereditaments in Fee Simple, or any Copyhold Lands or Hereditaments the Freehold of which shall be in the Crown, should be extended so as to empower the said Commissioners to purchase, sell, lease, or exchange, on behalf of Her Majesty, Her Heirs or Successors, any Messuages, Lands, or Hereditaments of Copyhold or Customary Tenure;' be it enacted, That it shall be lawful for the said Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, from Time to Time, with the Consent of the Lord High Treasurer, or Commissioners for exercising the Office of Lord High Treasurer of

Commissioners empowered to purchase, lease, or exchange on behalf of Her Majesty.

the United Kingdom of *Great Britain and Ireland*, or any Three of them, to contract for and purchase, for and on behalf of Her Majesty, Her Heirs or Successors, any Messuages, Lands, Tenements, or Hereditaments of Copyhold or Customary Tenure which shall adjoin to, be intermixed with, or be convenient and desirable to be held with any Freehold Hereditaments which are now vested or at any Time hereafter may be or become vested in Her Majesty, Her Heirs or Successors, in right of the Crown.

Land so purchased to be vested in Trustees on behalf of Her Majesty.

VI. And be it enacted, That on every Purchase made by the said Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, on behalf of Her Majesty, Her Heirs or Successors, of any Messuages, Lands, Tenements, or Hereditaments of Copyhold or Customary Tenure, the said Commissioners shall cause such Messuages, Lands, Tenements, or Hereditaments to be surrendered to or well and effectually vested in a Trustee or Trustees for and on behalf of Her Majesty, Her Heirs or Successors, who shall thereupon execute a Declaration of Trust, in necessary and proper Form, which Declaration of Trust, together with an authenticated Copy of the Surrender and Admittance, shall in every Case with all convenient Speed thereafter, be enrolled in the Office of Land Revenue Records and Inrolments, and a Minute or Docquet thereof entered in the Office of the said Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings.

Extending Provisions of 10 G. 4. c. 50. to Purchases under this Act.

VII. And be it enacted, That all the Provisions, Rules, and Regulations in the before-mentioned Act of the Tenth Year of the Reign of His late Majesty King *George* the Fourth expressed or contained, in relation to the purchasing, selling, leasing, or exchanging any Part of the Possessions and Land Revenue of the Crown, shall extend and apply to the purchasing, selling, leasing, or exchanging, on behalf of Her Majesty, Her Heirs or Successors, of any Messuages, Lands, Tenements, or Hereditaments of Copyhold or Customary Tenure.

The SCHEDULE to which this Act refers.

All that Piece or Parcel of Ground, together with the several Erections and Buildings thereon, containing about Twenty-eight Acres, a small Portion of which is extra-parochial, and the remaining Portion thereof is situate in the several Parishes of Saint Mary Paddington, Saint Mary Abbotts Kensington, and Saint Margaret Westminster, or in some or one of them, in the County of Middlesex; which said Piece or Parcel of Ground extends on the North Side thereof from a Point near the extreme North-west Angle of Kensington Gardens, and nearly opposite to the West Side of Orme Square, Bayswater, Westward along the Uxbridge Road to or near Linden Place, Eight hundred and eighty Feet, or thereabouts; then runs Southward along the West Wall of the Royal Kitchen Garden Two thousand two hundred and twenty-two Feet, or thereabouts; then

9

extends

extends towards the West, along the North Wall of the Melon Ground, Three hundred Feet, or thereabouts; then runs again towards the South Forty-two Feet, or thereabouts; then extends again towards the West Thirty-eight Feet, or thereabouts; then runs again towards the South, along the East Side of Church Street, Kensington, Two hundred and twelve Feet, or thereabouts; then extends towards the East, along the South Wall of the Melon Ground, Three hundred and sixty Feet, or thereabouts; and then runs again towards the South One hundred and sixty Feet, or thereabouts; then runs Eastward at the South End thereof, along the Backs of Premises in High Street, Kensington, One hundred and ninety Feet, or thereabouts; then runs towards the North on the East Side thereof, across the Palace Green, One thousand one hundred and twenty Feet, or thereabouts; then extends towards the East, along the South Wall of the Forcing Ground, Two hundred and two Feet, or thereabouts; then runs again towards the North, along the East Wall of the same Forcing Ground, One hundred and sixteen Feet, or thereabouts; then extends again towards the East Sixty-six Feet, or thereabouts; then runs again towards the North, along the Park Paling on the East Side of the Orchard, One thousand one hundred and thirty Feet, or thereabouts; and then extends again towards the East, across a Paddock, to the West Wall of Kensington Gardens, Two hundred and ninety-four Feet, or thereabouts; and then runs again towards the North, up to the before-mentioned Point in the Uxbridge Road, nearly opposite the West Side of Orme Square, Two hundred and eight Feet, or thereabouts.

CAP. II.

An Act for annexing the Mansion House, Gardens, and Grounds at *Frogmore*, Part of the Land Revenue of the Crown, to *Windsor Castle*.

[5th October 1841.]

‘ WHEREAS by an Indenture of Lease, dated on or about
 ‘ the Twenty-first Day of *January* One thousand eight
 ‘ hundred and nine, and made or expressed to be made between
 ‘ His Majesty King *George* the Third of the one Part, and Her
 ‘ late Majesty Queen *Charlotte*, His said Majesty’s Royal Con-
 ‘ sort, of the other Part, it was witnessed, that, for the Consi-
 ‘ derations therein mentioned, and by virtue of the Act of
 ‘ Parliament in the said Indenture of Lease mentioned, His
 ‘ said Majesty King *George* the Third did demise and grant
 ‘ unto Her said Majesty Queen *Charlotte* the Capital Messuage
 ‘ or Mansion House commonly called or known by the Name of
 ‘ *Frogmore House*, together with the Gardens and Grounds par-
 ‘ ticularly mentioned and described in the Schedule to this Act
 ‘ annexed, and also a certain Farm and other Hereditaments
 ‘ therein mentioned as situate in the County of *Berks*, and
 ‘ being Part of the Possessions of the Crown, to hold the same
 ‘ unto

‘ unto Her said Majesty Queen *Charlotte*, Her Executors, Ad-
 ‘ ministrators, and Assigns, from the Twentieth Day of that
 ‘ instant Month of *January*, for the Term of Ninety-nine Years,
 ‘ if Her said Majesty Queen *Charlotte*, and Her Majesty’s
 ‘ younger Daughters their Royal Highnesses Princess *Au-*
 ‘ *gusta Sophia*, the Princess *Elizabeth*, the Princess *Mary*, the
 ‘ Princess *Sophia*, and the Princess *Amelia*, or any of them,
 ‘ should so long live, at the yearly Rent of Eighty-one Pounds
 ‘ Fifteen Shillings: And whereas the personal Representatives
 ‘ of Her Royal Highness the late Princess *Augusta Sophia*
 ‘ became entitled to the Hereditaments comprised in the said
 ‘ Lease for all the Residue of the said Term of Ninety-nine
 ‘ Years (determinable as aforesaid) thereby created, and such
 ‘ Leasehold Interest has been lately purchased of such Repre-
 ‘ sentatives by the Commissioners of Her Majesty’s Woods,
 ‘ Forests, Land Revenues, Works, and Buildings, (with the
 ‘ Consent of the Commissioners of Her Majesty’s Treasury,)
 ‘ and such outstanding Leasehold Interest in the same Premises
 ‘ has been accordingly surrendered to Her Majesty: And
 ‘ whereas from the Proximity of the said Mansion House,
 ‘ Gardens, and Grounds at *Frogmore* to the Castle of *Windsor*
 ‘ and to *Windsor Great Park*, it is proper that the same should
 ‘ not be let and disposed of as Part of the general Land Reve-
 ‘ nues of the Crown, but that the same should be held and
 ‘ enjoyed by Her Majesty and Her Successors with the Castle
 ‘ and Honor of *Windsor*, and that the same should become an
 ‘ Appendage to the said Castle:’ Now therefore may it please
 Your Majesty that it may be enacted; and be it enacted by
 the Queen’s most Excellent Majesty, by and with the Advice
 and Consent of the Lords Spiritual and Temporal, and Com-
 mons, in this present Parliament assembled, and by the Authority
 of the same, That the said Mansion House, Gardens, and
 Grounds described in the Schedule to this Act annexed shall
 henceforth be appropriated to the Use, Occupation, and Posses-
 sion of the Sovereign, and be held with and be an Appendage
 to and form Part and Parcel of the Possession of the Castle and
 Honor of *Windsor*, and be vested in Her Majesty and Her
 Successors, and be maintained and kept in repair in such and
 the like Manner, and be subject to such and the like Regula-
 tions, as the Palaces, public Buildings, and Royal Parks, now
 under the Management and Charge of the Commissioners of
 Her Majesty’s Woods, Forests, Land Revenues, Works, and
 Buildings, are maintained and kept in repair and subject to.

The Mansion
 called Frog-
 more House, as
 described in the
 Schedule, ap-
 propriated to
 the Use and
 Occupation of
 the Sovereign.

Expences in-
 curred from the
 Time of Pur-
 chase to be de-
 frayed out of the
 Land Revenues
 of the Crown.

II. And be it enacted, That it shall be lawful for the Com-
 missioners of Her Majesty’s Woods, Forests, Land Revenues,
 Works, and Buildings, with the Consent of the Lord High
 Treasurer, or of the Commissioners for executing the Office of
 Lord High Treasurer, or any Three of them, by and out of the
 Monies arising from the Land Revenues of the Crown, and
 which shall be at their Disposal, to defray all the Expences
 which from the Time of the Purchase of the said Term of
 Ninety-nine Years, determinable as aforesaid, up to the passing
 of

of this Act, shall have been incurred for the Maintenance and Support of the said Mansion House, Gardens, and Grounds.

The SCHEDULE to which this Act refers.

A Mansion House called Frogmore House, with the Offices, Yards, Flower Gardens, Lawns, Pleasure Grounds, Island, with ornamental Temples, Alcoves, covered Garden Seats, Gothic Rooms, Hermitage, and Grotto, and a double Dwelling House in the Flower Garden thereto belonging, containing Thirty-three Acres Two Roods and Seventeen Perches, situate and being in the Parish of New Windsor in the County of Berks.

CAP. III.

•An Act to alter an Act of the Eleventh Year of King *George* the Fourth, for amending the Laws relating to the Pay of the Royal Navy, and an Act of the Fifth Year of King *William* the Fourth, to alter the Provisions of the said Act. [5th October 1841.]

• **W**HEREAS an Act was passed in the Eleventh Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to amend and consolidate the Laws relating to the Pay of the Royal Navy*; and another Act was passed in the Fifth Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to alter and extend the Provisions of an Act passed in the Eleventh Year of the Reign of His late Majesty King George the Fourth, for amending and consolidating the Laws relating to the Pay of the Royal Navy*: And whereas it is deemed expedient to alter certain Provisions of the said Acts, so that Mates in the Royal Navy may be enabled to have the Privilege of drawing Bills for their net personal Pay for a shorter Period than Six Months; and it is also deemed expedient that Naval Instructors in the Royal Navy should be enabled to have the same Privilege: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Thirty-first Day of *December* One thousand eight hundred and forty-one it shall be lawful for every Naval Instructor and Mate in the Royal Navy, under such Regulations, Limitations, and Restrictions as have now or may at any Time or Times hereafter be established by the Commissioners for executing the Office of Lord High Admiral of the United Kingdom for the Time being, to draw a Bill of Exchange or a Set of Bills of the same Tenor and Date, upon the Accountant General of the Navy, for the net personal Pay which shall be due to him, at such Times and for such Periods as the said Commissioners shall at any Time, or from Time to Time, appoint in that Behalf.

11 G. 4. &
1 W. 4. c. 20.

4 & 5 W. 4. c. 25.

Naval Instructors and Mates in the Royal Navy empowered to draw Bills of Exchange.

II. And

Act may be amended this Session.

II. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

CAP. IV.

An Act to continue for Three Years, and from thence to the End of the then next Session of Parliament, Two Acts relating to the Care and Treatment of Insane Persons in *England*. [5th October 1841.]

2&3W.4. c.107.

3&4W.4. c.64.

Two first-recited Acts continued.

‘ WHEREAS an Act was passed in the Session of Parliament holden in the Second and Third Years of the Reign of His late Majesty *William the Fourth*, intituled *An Act for regulating for Three Years, and from thence until the End of the then next Session of Parliament, the Care and Treatment of Insane Persons in England*: And whereas the said recited Act was amended by an Act passed in the Session of Parliament holden in the Third and Fourth Years of the Reign of His said late Majesty, intituled *An Act to amend an Act of the Second and Third Years of the Reign of William the Fourth, for regulating the Care and Treatment of Insane Persons in England*: And whereas the said recited Acts were afterwards, by an Act passed in the Session of Parliament holden in the Fifth and Sixth Years of the Reign of His said late Majesty, and by an Act passed in the Session of Parliament holden in the First and Second Years of the Reign of Her present Majesty, continued for Three Years, and from thence to the End of the then next Session of Parliament: And whereas the said Two first-recited Acts will shortly expire, and it is expedient that the same should be further continued; be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Two first-recited Acts shall be and the same are hereby further continued for the Term of Three Years, and from thence to the End of the then next Session of Parliament.

CAP. V.

An Act to make further Provisions for the Administration of Justice. [5th October 1841.]

‘ WHEREAS the Business on the Plea Side of Her Majesty’s Court of Exchequer at *Westminster* has of late Years greatly increased, and a Transfer to the Court of Chancery of the Jurisdiction of the said Court of Exchequer as a Court of Equity would relieve the Judges of the said Court of Exchequer, and would otherwise tend to promote the public Advantage; be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

506 VC 86
849 VC 105

same, That on the Fifteenth Day of *October* One thousand eight hundred and forty-one all the Power, Authority, and Jurisdiction of Her Majesty's Court of Exchequer at *Westminster* as a Court of Equity, and all the Power, Authority, and Jurisdiction which shall have been conferred on or committed to the said Court of Exchequer, by or under the special Authority of any Act or Acts of Parliament, (other than such Power, Authority, and Jurisdiction as shall then be possessed by or be incident to the said Court of Exchequer as a Court of Law, or as shall then be possessed by the said Court of Exchequer as a Court of Revenue, and not heretofore exercised or exercisable by the same Court sitting as a Court of Equity,) shall be by force of this Act transferred and given to Her Majesty's High Court of Chancery, to all Intents and Purposes, in as full and ample a Manner as the same might have been exercised by the said Court of Exchequer if this Act had not passed; and the same Power, Authority, and Jurisdiction shall, so far as respects the Exercise thereof by the said Court of Exchequer, cease and determine: Provided always, that this Act shall not abridge, lessen, or in anywise affect the Power, Authority, or Jurisdiction of or incident to the said Court of Exchequer as a Court of Law, or the Power, Authority, or Jurisdiction of the same Court as a Court of Revenue, not heretofore exercised or exercisable by the same Court sitting as a Court of Equity.

II. And be it enacted, That all Suits and Matters which on the said Fifteenth Day of *October* One thousand eight hundred and forty-one shall be depending in the said Court of Exchequer as a Court of Equity, or under such Act or Acts of Parliament as aforesaid, (except as aforesaid,) shall be by force of this Act transferred, with all the Proceedings therein, to the said Court of Chancery, there to be carried on and prosecuted and dealt with and decided according to the Practice of that Court, in the same Manner in every respect as if such Suits and Matters had been originally commenced in the said Court of Chancery; and that all Decrees and Orders which shall have been made by the said Court of Exchequer in such Suits and Matters shall, to all Intents and Purposes, be deemed and taken to be Decrees or Orders respectively of the said Court of Chancery; and that all Writs which shall have been then issued in the same Suits and Matters, or any of them, returnable in the said Court of Exchequer, shall be by force of this Act returnable in the said Court of Chancery: Provided always, that in case it shall appear to the Court of Chancery to be just and expedient that any Suit or Suits, Matter or Matters so transferred to the said Court of Chancery, should be wholly or partially carried on according to or regulated by the present Practice of the Court of Exchequer, or that any Question or Questions arising in the same Suit or Suits, Matter or Matters, should be decided with reference to the present Practice of the said Court of Exchequer, it shall be lawful for the said Court of Chancery to make such Order or Orders in relation thereto as to the said Court of Chancery shall seem meet.

The Jurisdiction of the Court of Exchequer as a Court of Equity, &c. abolished, and transferred to the Court of Chancery.

8 Dec. 201

15th Dec. 1841

Suits depending and Proceedings transferred to Court of Chancery, to be carried on according to the Practice of that Court.

Shoffield

Writs returnable in Exchequer to be returnable in Chancery.

Court of Chancery may direct transferred Suits to be carried on according to the Practice of either Court.

Shoffield
4 Dec. 1841

Lord Chancellor to make General Orders for the Taxation of Costs, &c. by reason of the Transfer.

III; And be it enacted, That it shall be lawful for the Lord Chancellor from Time to Time to make such General Orders (as well with respect to the Taxation and Allowance of Costs as in all other respects) as to him shall seem fit and proper to be made, by reason or in consequence of the Transfer hereby made to the said Court of Chancery of such Suits and Matters as aforesaid, or for carrying the same Transfer into complete Effect.

8/13/00. 100 Court of Chancery may summarily restrain the Bank of England, &c. from permitting Transfer of Stock, &c.

IV. And be it enacted, That on and after the said Fifteenth Day of *October* One thousand eight hundred and forty-one it shall be lawful for the said Court of Chancery, upon the Application of any Party interested, by Motion or Petition, in a summary Way, without Bill filed, to restrain the Governor and Company of the Bank of *England*, or any other public Company, whether incorporated or not, from permitting the Transfer of any Stock in the public Funds, or any Stock or Shares in any public Company, which may be standing in the Name or Names of any Person or Persons, or Body Politic or Corporate, in the Books of the Governor and Company of the Bank of *England*, or in the Books of any such public Company, or from paying any Dividend or Dividends due or to become due thereon; and every Order of the said Court of Chancery upon such Motion or Petition as aforesaid shall specify the Amount of the Stock or the particular Shares to be affected thereby, and the Name or Names of the Person or Persons, Body Politic or Corporate, in which the same shall be standing: Provided always, that the said Court of Chancery shall have full Power, upon the Application of any Party interested, to discharge or vary such Order, and to award such Costs, upon such Application, as to the said Court shall seem fit.

as to mode of proceed? when this order has been obt. this app. filed 17th. of the month 1st. case 58/18. 10th. 203.

Writ of Distringas to be issued from the Court of Chancery according to the Form in the First Schedule to this Act.

V. And be it enacted, That in the Place and Stead of the Writ of Distringas, as the same has been heretofore issued from the said Court of Exchequer, a Writ of Distringas in the Form set out in the First Schedule to this Act shall, on and after the said Fifteenth Day of *October* One thousand eight hundred and forty-one, be issuable from the Court of Chancery, and shall be sealed at the Subpœna Office, and that the Force and Effect of such Writ, and the Practice under or relating to the same, shall be such as is now in force in the said Court of Exchequer: Provided nevertheless, that such Writ, and the Practice under or relating to the same, and the Fees and Allowances in respect thereof, shall be subject to such Orders and Regulations as may under the Provisions of this Act, or of any other Act now in force, or under the general Authority of the Court of Chancery, be made with reference to the Proceedings and Practice of the said Court of Chancery.

Certain Funds standing in the Name of the Accountant General of the Exchequer transferred to the Queen's Remembrancer.

VI. And be it enacted, That on the said Fifteenth Day of *October* One thousand eight hundred and forty-one the Sum of One thousand six hundred and fourteen Pounds Nineteen Shillings and Sixpence Three *per Centum* Consolidated Bank Annuities, now standing in the Name of the Accountant General of the said Court of Exchequer, in Trust in a Cause depending

in the same Court as a Court of Revenue, "The King v. *Delamotte*," and the Sum of Three hundred and thirteen Pounds One Shilling and Nine-pence like Annuities, now standing in the Name of the said Accountant General of the said Court of Exchequer, in Trust in another Cause depending in the same Court as a Court of Revenue, "The King v. *Whitworth*," or so much of the same Sums respectively as shall then be standing in the Name of the said Accountant General of the said Court of Exchequer, shall become by force of this Act vested in the Queen's Remembrancer in the said Court of Exchequer for the Time being, in Trust to attend the Orders of the said Court of Exchequer; and the several Sums of Cash specified in the Second Schedule to this Act, being Cash in the Bank of *England* to the Account of the Accountant General of the said Court of Exchequer, in Trust in the Causes specified in the same Schedule depending in the said Court of Exchequer as a Court of Revenue, or so much of the same Sums respectively as shall then be in the Bank to the Account of the said Accountant General, shall become by force of this Act vested in the Queen's Remembrancer in the said Court of Exchequer for the Time being, in Trust to attend the Orders of the said Court of Exchequer, and the same shall be applicable to all such Purposes as the same were respectively applicable to before the passing of this Act.

VII. And be it enacted, That on the said Fifteenth Day of *October* One thousand eight hundred and forty-one all Stocks, Funds, Annuities, and Securities whatsoever which shall then be standing in the Name of the Accountant General of the said Court of Exchequer as such Accountant General in the Books of the Bank of *England* (except the Funds herein-before vested in the said Queen's Remembrancer), or in the Books of the *South Sea Company*, or in the Books of the *East India Company*, or in the Books of any other Body Politic or Corporate, or Company whatsoever, and all such Exchequer Bills or other Securities which at any Time before the said Fifteenth Day of *October* One thousand eight hundred and forty-one shall have been transferred into or vested in the Name of, or shall be in the Custody or Power of the Accountant General of the Court of Exchequer as such Accountant General, and all Real and Personal Estate, Effects, and Property whatsoever (except as aforesaid), which shall at any Time before the said Fifteenth Day of *October* have been conveyed, assigned, or transferred, or made payable or secured, to the Accountant General of the said Court of Exchequer as such Accountant General, and which shall not have been applied to the Trusts and Purposes to which the same were applicable under the Order or Direction of the said Court of Exchequer, shall on the said Fifteenth Day of *October* become by force of this Act vested in the Accountant General of the High Court of Chancery for the Time being, in Trust to attend the Orders of the High Court of Chancery, and without any Act or Deed whatsoever to be done or executed by the

Stocks, &c.
standing in the
Name of the
Accountant
General of the
Court of Ex-
chequer to be
transferred into
the Name of
the Accountant
General of the
Court of Chan-
cery;

applicable to such Purposes as the same were respectively applicable to.

Officers of Bank of England, &c. directed to make the Transfer.

Accountant General of Court of Exchequer to make up Accounts with Accountant General of Court of Chancery.

the Accountant General of the said Court of Exchequer for the Time being, and shall and may be proceeded upon by and in the Name of the Accountant General of the High Court of Chancery, in right of his Office, by any Action or Suit at Law or in Equity, or in any other Manner, as the same might have been proceeded on by or in the Name of the said Accountant General of the Court of Exchequer for the Time being, and shall be applicable to all such Purposes as the same were respectively applicable to, except where otherwise directed by this Act; and all such Funds, Stocks, Annuities, and Securities as shall on the said Fifteenth Day of *October* be standing in the Name of the Accountant General of the said Court of Exchequer, as such Accountant General, in the Books of the Bank of *England*, (except the Funds herein-before vested in the said Queen's Remembrancer,) or in the Books of the *South Sea* Company and *East India* Company, or in the Books of any Body Politic or Corporate, or Company, and all Cash in the Bank in the Name of the Accountant General of the said Court of Exchequer as such Accountant General (except the several Sums specified in the said Second Schedule to this Act), shall on the said Fifteenth Day of *October* be carried, by the proper Officers of the said Companies respectively, to the Credit of the Accountant General of the said Court of Chancery in the Books of the said Bank of *England*, *South Sea* Company, *East India* Company, or other Body Politic or Corporate, or Company respectively, in Trust to attend the Orders of the High Court of Chancery; any thing in any Act or Acts of Parliament for the Creation or Regulation of any such Stocks, Funds, Annuities, or Securities, or any other Act or Acts, to the contrary thereof notwithstanding.

VIII. And be it enacted, That the Accountant General of the said Court of Exchequer shall, on the said Fifteenth Day of *October* One thousand eight hundred and forty-one, make up Accounts with the Accountant General for the Time being of the Court of Chancery of all Stocks, Funds, Annuities, or Securities which shall be standing in the Name of the Accountant General of the Court of Exchequer, as such Accountant General, in the Books of the Bank of *England*, (except as aforesaid,) or in the Books of the *South Sea* Company or *East India* Company, or in the Books of any other Body Politic or Corporate, or Company; and that the Accountant General of the said Court of Exchequer shall also, on the said Fifteenth Day of *October*, make out a true and perfect Schedule of all Cash (except as aforesaid), Exchequer Bills, Bonds, Mortgages, Orders, and Effects whatsoever deposited or remaining in his Custody, Power, or Disposal, or standing in his Name as Accountant General, and of all Monies which shall have been paid into the said Bank of *England* to the Credit of the Accountant General of the said Court of Exchequer as such Accountant General, and which shall not have been invested in any Stocks, Funds, Annuities, or Securities, and shall deliver up to the Accountant General

General of the Court of Chancery all the Books and Documents in his Possession or Power as such Accountant General of the Court of Exchequer.

IX. And be it enacted, That all Stocks, Funds, and Securities, and Cash, which by virtue of this Act shall become vested in the Accountant General of the said Court of Chancery, shall be entered Causewise in the Books of such Accountant General, and of the Report Office of the said Court of Chancery; and that the Cash to be transferred to the Credit of the said Accountant General of the said Court of Chancery by virtue of this Act, and all other Cash to the Credit of the Accountant General of the same Court of Chancery, shall be and be deemed and taken to be One common and general Cash, and as such shall be issued and payable in such Manner as the said Court of Chancery hath directed or shall direct.

Stocks, &c. to be entered Causewise, and the Cash to become One common Cash.

X. And be it enacted, That in all Cases in which by virtue of this Act any Interest in Real or Personal Estate, Effects, or Property shall be vested in the Accountant General for the Time being of the said Court of Chancery, as such Accountant General, and in respect of his Office, all such Real and Personal Estate, Effects, and Property whatsoever, upon the Death, Resignation, or Removal of each and every Accountant General of the said Court of Chancery, from Time to Time, and as often as the Case shall happen, and the Appointment of a Successor shall take place, shall, subject to the same Trusts as the same were respectively subject to, vest in the succeeding Accountant General by force of this Act, and without any Act or Deed whatsoever to be done by the Accountant General resigning or removed, or by the Heirs, Executors, or Administrators of any Accountant General resigning or removed or dying, or by any Person or Persons claiming under him, them, or any of them, and shall and may be proceeded on in the Name of such succeeding Accountant General by any Action or Suit at Law or in Equity, or in any other Manner, as the same might have been proceeded on by or in the Name or Names of such Accountant General so resigning, removed, or dying, his Heirs, Executors, or Administrators.

Property vested in the Accountant General of the Court of Chancery by this Act to go to his Successors in Office.

XI. And be it enacted, That all the Funds which on the said Fifteenth Day of *October* One thousand eight hundred and forty-one shall be standing in the Name of the Accountant General for the Time being of the said Court of Exchequer to an Account intituled "An Account of Monies placed out for the Benefit and better Security of the Suitors of the Court of Exchequer," or to an Account intituled "The Account of further Money placed out for the Benefit and better Security of the Suitors of the Court of Exchequer," shall be transferred by the Governor and Company of the Bank of *England* into the Name of the Accountant General for the Time being of the said Court of Chancery, and be placed to the Credit of the Account now standing in his Name, intituled "Account of Monies placed out for the Benefit and better Security of the Suitors of the High Court of Chancery," and shall be in all respects deemed Part

Certain Funds transferred to the Accountant General of the Court of Chancery to be placed to the Account of "Monies placed out," &c.

of the Funds standing to such Account, and be applied accordingly.

Certain other Funds transferred to the Accountant General of the Court of Chancery, and placed to the "Account of Securities purchased with surplus Interest," &c.

XII. And be it enacted, That all the Funds which on the said Fifteenth Day of *October* One thousand eight hundred and forty-one shall be standing in the Name of the Accountant General of the said Court of Exchequer to an Account, intituled "The Redemption Fund of the Suitors of the Court of Exchequer," shall be transferred by the Governor and Company of the Bank of *England* into the Name of the Accountant General for the Time being of the High Court of Chancery, and be placed to the Credit of the Account now standing in his Name, intituled "Account of Securities purchased with surplus Interest arising from Securities carried to an Account of Monies placed out for the Benefit and better Security of the Suitors of the High Court of Chancery," and shall in all respects be deemed Part of such Fund, and be applied accordingly.

Money directed by any Act, &c. to be paid into the Bank to the Credit of Accountant General of the Court of Exchequer to become payable to the Credit of Accountant General of the Court of Chancery.

XIII. And be it enacted, That in every Case in which, by virtue of any Act or Acts of Parliament, or otherwise, any Sum or Sums of Money would, on or after the said Fifteenth Day of *October* One thousand eight hundred and forty-one, be payable by any Person or Persons, or Body Politic or Corporate, into the Bank of *England*, in the Name or with the Privity of the Accountant General of the Court of Exchequer, and which, when paid in accordingly, would be subject to the Order of the said Court of Exchequer sitting as a Court of Equity, the same Sum and Sums shall be payable and paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account to the like Credit as the same would have been payable if this Act had not passed, but subject to the Order of the said Court of Chancery; and that in every Case in which any Money, Funds, Annuities, or Securities, or other Property, would, on or after the said Fifteenth Day of *October* One thousand eight hundred and forty-one, be payable or transferrable into the Name of or become vested in the Accountant General of the said Court of Exchequer, and which, when paid or transferred accordingly, would be subject to the Order of the same Court sitting as a Court of Equity, the same Money, Funds, Annuities, Securities, and other Property shall be paid, transferrable, and transferred into the Name of or vested in the Accountant General of the said Court of Chancery, in Trust to attend the Order of the said Court of Chancery, and the same shall be applicable to the same Purposes as the same would have been applicable if this Act had not passed, except where otherwise directed by this Act; and that all Money, Funds, Annuities, Securities, and Property which shall be so paid and transferred into the Name of the said Accountant General of the Court of Chancery, and which, before the passing of this Act, or in case this Act had not passed, were paid or transferred, or would have been payable or transferrable, to the Accountant General of the Court of Exchequer, by virtue of any Act or Acts already passed or hereafter to be passed, or other Authority whatsoever, shall

Stocks, &c. transferrable into the Name of the Accountant General of the Court of Exchequer to become transferrable into the Name of the Accountant General of Court of Chancery.

shall be held subject to such or the like Orders and Directions of the said Court of Chancery, and subject to such Powers and Provisions, as the same would have been subject to in case the same had been originally directed or authorized to have been paid and transferred into the Name of the Accountant General of the said Court of Chancery, and had been made originally subject to the Orders and Directions of the last-mentioned Court; and the Orders and Directions of the said Court of Chancery relating thereto shall have the same Force and Effect as any like Orders and Directions of the Court of Exchequer relating thereto would have had if this Act had not passed.

XIV. And be it enacted, That it shall be lawful for the Lord Chancellor to make such Orders from Time to Time as to him shall seem meet with respect to the Time and Manner of arranging the Balances of the Accountant General of the said Court of Chancery with the Bank of *England*, and generally for carrying this Act into complete Effect, so far as the same relates to the Business of the Office of the said Accountant General and the Report Office, and the Transfer of Property from the Accountant General of the Court of Exchequer to the Accountant General of the Court of Chancery; any thing in any Act or Acts now in force to the contrary thereof notwithstanding.

Court of Chancery to make Orders as to the arranging of Balances with the Bank, &c.

XV. And be it enacted, That on the said Fifteenth Day of *October* One thousand eight hundred and forty-one the Offices of Accountant General of the Court of Exchequer, Master on the Equity Side of the Court of Exchequer, Clerk to the Masters on the Equity Side of the same Court, Clerk to the Accountant General, and Clerk of the Reports of the Court of Exchequer, and Clerk Examiner to the Barons of the same Court, shall be abolished.

Certain Offices of the Court of Exchequer abolished.

XVI. And be it enacted, That, out of the Funds which on the Fourteenth Day of *October* One thousand eight hundred and forty-one shall be standing in the Name of the Accountant General of the said Court of Exchequer to an Account intituled "Account of Interest arising from Monies placed out for the Benefit and better Security of the Suitors of the Court of Exchequer in pursuance of an Act of the First Year of the Reign of King *George* the Fourth," there shall be paid by the Governor and Company of the Bank of *England*, by virtue of any Order or Orders of the Court of Exchequer, or of the Lord Chief Baron of the same Court, to be made for that Purpose, to the several Officers on the Equity Side of the said Court of Exchequer now entitled to Salaries payable out of the said Funds, such proportionate Parts of their respective Salaries as shall accrue from the last Day of Payment thereof to the Fifteenth Day of *October* One thousand eight hundred and forty-one, or so much of the same proportionate Parts respectively as the Funds which on the said Fourteenth Day of *October* shall be standing to the Account last aforesaid shall be sufficient to satisfy.

Proportionate Parts of Salaries of Officers of Court of Exchequer up to 15th Oct. 1841 to be paid.

XVII. And be it enacted, That all the Bills, Answers, Decrees, Affidavits, and Proceedings of the said Court of Exchequer as a Court of Equity, and under such Acts of Parliament as

Proceedings of Court of Exchequer as a Court of Equity to be delivered

to such Persons as the Master of the Rolls, by Warrant, shall direct; and deemed Records of Court of Chancery, subject to Provisions of 1 & 2 Vict. c. 94.

aforesaid (except as aforesaid), and all Decrees and Minute Books, and all other Books and Documents whatsoever, relating exclusively to Proceedings in the said Court of Exchequer as a Court of Equity, and under such Acts of Parliament as aforesaid (except as aforesaid), shall on the said Fifteenth Day of *October* One thousand eight hundred and forty-one, or as soon after as conveniently may be, be delivered, by the several Officers of the said Court of Exchequer now having the Custody of the same, to such Person or Persons as shall be appointed by the Master of the Rolls to receive and take charge of the same, by Warrant under his Hand, approved of and countersigned by the Lord Chancellor; and that from and after such Delivery the same Bills, Answers, Decrees, and other Proceedings shall be deemed Records of the Court of Chancery in the Custody of the Master of the Rolls, subject to the Provisions of an Act passed in the Second Year of the Reign of Her present Majesty, intituled *An Act for keeping safely the Public Records.*

Duties of Accountant General and Masters in Revenue Business to be performed by Queen's Remembrancer.

XVIII. And be it enacted, That all the Duties now performed by the Accountant General of the Court of Exchequer, and the Masters on the Equity Side of the Court of Exchequer, with respect to Revenue Business depending in the same Court otherwise than as a Court of Equity, shall from Time to Time from and after the said Fifteenth Day of *October* One thousand eight hundred and forty-one be performed by the Queen's Remembrancer for the Time being, who shall, with respect to such Business, stand and be in the Place of the Accountant General of the said Court of Exchequer, and the Masters on the Equity Side of the same Court, to all Intents and Purposes whatsoever: Provided always, that it shall be lawful for the said Court of Exchequer to make such Orders from Time to Time as to the same Court shall seem meet for regulating the Duties so to be performed by the Queen's Remembrancer for the Time being, especially having regard to the Abolition by this Act of the Office of Clerk of the Reports of the said Court of Exchequer.

Proviso.

Her Majesty empowered to appoint Two additional Judges Assistant to the Lord Chancellor, to be respectively called Vice Chancellor.

XIX. ' And whereas the Business of the Court of Chancery has of late Years greatly increased, and by reason of the Transfer to the Court of Chancery of the Equitable Jurisdiction of the Court of Exchequer further Duties will devolve on the Court of Chancery, and it is therefore expedient, for the better Administration of Justice in the said Court of Chancery, that Two additional Judges should be appointed to assist in the Discharge of the judicial Functions of the Lord Chancellor;' be it therefore enacted, That it shall be lawful for Her Majesty to nominate and appoint, by Letters Patent under the Great Seal of the United Kingdom, Two fit Persons, being or having been respectively Barristers-at-Law of Fifteen Years standing at the least, to be additional Judges Assistant to the Lord Chancellor in the Discharge of the judicial Functions of his Office, each of such additional Judges to be called Vice Chancellor.

Power to supply Vacancies in Office of Vice Chancellor

XX. And be it enacted, That from Time to Time when and as any Vacancy shall occur in the Office of the Vice Chancellor who shall be first appointed under the Authority of this Act, by the Death,

Death, Resignation, or Removal from Office of such Vice Chancellor or his Successor for the Time being, it shall be lawful for Her Majesty, by Letters Patent under the Great Seal of the United Kingdom, to appoint a fit Person, being or having been a Barrister at Law of Fifteen Years standing at the least, to supply such Vacancy.

first appointed under this Act;

XXI. Provided always, and be it enacted, That nothing herein contained shall authorize the Appointment of a Successor to the Vice Chancellor secondly appointed under the Authority of this Act.

but not to the secondly appointed.

XXII. And be it enacted, That each such Vice Chancellor shall have full Power to hear and determine all Causes, Matters, and Things which are or shall be at any Time depending in the Court of Chancery in *England*, either as a Court of Law or as a Court of Equity, or incident to any ministerial Office of the said Court, or which have been or shall be submitted to the Jurisdiction of the said Court or of the Lord Chancellor by the special Authority of any Act of Parliament, as the Lord Chancellor shall from Time to Time direct; and all Decrees, Orders, and Acts of such Vice Chancellor so made or done shall be deemed and taken to be respectively, as the Nature of the Case shall require, Decrees, Orders, and Acts of the said Court of Chancery, or of such incident Jurisdiction as aforesaid, or under such special Authority as aforesaid, and shall have Force and Validity and be executed accordingly, subject nevertheless in every Case to be reversed, discharged, or altered by the Lord Chancellor; and no such Decree or Order shall be enrolled until the same shall be signed by the Lord Chancellor: Provided always, that no such Vice Chancellor shall have Power or Authority to discharge, reverse, or alter any Decree, Order, Act, Matter, or Thing made or done by any other Vice Chancellor to be appointed under this Act, not being a Predecessor in Office of such Vice Chancellor, nor any Decree, Order, Act, Matter, or Thing made or done by any Lord Chancellor, unless authorized by the Lord Chancellor so to do, nor any Power or Authority to discharge, reverse, or alter any Decree, Order, Act, Matter, or Thing made or done by the Master of the Rolls or the Vice Chancellor for the Time being appointed in pursuance of an Act passed in the Fifty-third Year of the Reign of His Majesty King *George* the Third, intituled *An Act to facilitate the Administration of Justice*, or any Order, Act, Matter, or Thing made or done by the Court of Review in Bankruptcy.

Powers of Vice Chancellor.

8 Nov. 128

Decrees, &c. to be deemed Decrees, &c. of the Court of Chancery.

Vice Chancellor not to discharge, &c. Orders of any other Vice Chancellor, not being his Predecessor in Office, or any Orders, &c. of the Lord Chancellor, unless authorized by him, &c.

53 G. 3. c. 24.

Vice Chancellor to sit in Absence of Lord Chancellor or in a separate Court.

XXIII. And be it enacted, That each or either of the Vice Chancellors to be appointed in pursuance of this Act shall sit for the Lord Chancellor whenever he shall require him so to do, and shall also, at such other Times as the Lord Chancellor shall direct, sit in a separate Court, whether the Lord Chancellor or the Master of the Rolls, or the Vice Chancellor appointed in pursuance of the said Act, shall be sitting or not, for which Purpose the Lord Chancellor shall make such Orders as to him shall appear to be proper and convenient, from Time to Time as Occasion shall require.

Vice Chancellor, if a Privy Councillor, to be of the Judicial Committee.

Rank and Precedence next after the Lord Chief Baron of the Exchequer.

Secretary, Usher, and Trainbearer.

Vice Chancellor to hold Office during his good Behaviour, but may be removed.

Vice Chancellor to take the following Oath.

Lord Chancellor, with the Concurrence of the Master of the Rolls and Vice Chancellors, or any Two of them, empowered to

XXIV. And be it enacted, That every Person holding or who shall have held the Office of Vice Chancellor under this Act shall, if a Member of Her Majesty's Privy Council, be a Member of the Judicial Committee of the Privy Council.

XXV. And be it enacted, That the Vice Chancellors to be appointed in pursuance of this Act shall, during the Continuance in Office of the present Vice Chancellor, respectively have Rank and Precedence next to the Lord Chief Baron of Her Majesty's Court of Exchequer at *Westminster*; and that the Vice Chancellor to be appointed in pursuance of the said Act passed in the Fifty-third Year of the Reign of King *George* the Third, and the Vice Chancellors to be appointed in pursuance of this Act, shall, after the Death of the present Vice Chancellor, or his Resignation or Removal from his Office respectively, have Rank and Precedence next to the Lord Chief Baron of the Court of Exchequer at *Westminster*, and, as between themselves, shall have Rank and Precedence according to Seniority of Appointment to their respective Offices.

XXVI. And be it enacted, That it shall be lawful for Her Majesty, in and by such Letters Patent as aforesaid, or in and by any other Letters Patent under the Great Seal of the United Kingdom, to direct that each such Vice Chancellor to be appointed in pursuance of this Act shall have a Secretary, Usher, and Trainbearer, to be from Time to Time appointed and removed by such Vice Chancellor at his Pleasure; and that the Secretaries, Registrars, and other Officers appointed to attend the Lord Chancellor shall attend each such Vice Chancellor when sitting for the Lord Chancellor, and also when sitting in his separate Court, as Circumstances shall require, and as the Lord Chancellor shall order and direct.

XXVII. And be it enacted, That each of the Vice Chancellors to be appointed under this Act shall hold his Office during his good Behaviour: Provided always, that it shall be lawful for Her Majesty to remove any such Vice Chancellor from his Office upon an Address of both Houses of Parliament.

XXVIII. And be it enacted, That every Vice Chancellor to be appointed in pursuance of this Act shall, previous to his executing any of the Duties of his Office, take the following Oath, which the Lord Chancellor or the Master of the Rolls for the Time being is hereby respectively authorized and required to administer:

' I do solemnly and sincerely promise and swear, That I will duly and faithfully, and to the best of my Skill and Power, execute the Office of Vice Chancellor.
' So help me GOD.'

XXIX. And be it enacted, That from and after the Appointment of the Vice Chancellors under this Act it shall be lawful for the Lord Chancellor, with the Advice or Consent of the Master of the Rolls and Vice Chancellors for the Time being, or any Two of them, and he is hereby authorized and empowered, to do all such Acts, and to make and issue all such Rules and Orders, as by any Act or Acts of Parliament now in force

force the Lord Chancellor, with the Advice or Consent of the Master of the Rolls and the Vice Chancellor for the Time being, or One of them, is empowered to do, make, or issue.

make Orders, &c.

XXX. And be it enacted, That it shall be lawful for the Lord Chancellor and the Master of the Rolls from Time to Time to direct that any Causes or Matters which shall be at any Time or Times depending for Hearing or Determination before the Master of the Rolls for the Time being shall be heard and determined by the Lord Chancellor, or by One of the Vice Chancellors for the Time being, and to direct that any Causes or Matters which shall be at any Time or Times depending for Hearing before the Lord Chancellor shall be heard and determined by the Master of the Rolls for the Time being; but all Decrees and Orders to be made by the Master of the Rolls or by any Vice Chancellor in pursuance of such Direction shall be subject to be reversed, discharged, or altered by the Lord Chancellor.

Lord Chancellor and the Master of the Rolls may direct Causes, &c. depending before the latter to be heard by the Lord Chancellor or any Vice Chancellor, &c.

XXXI. And be it enacted, That the Lord Chancellor, the Master of the Rolls, and the Vice Chancellors respectively shall, from and after the said Fifteenth Day of October One thousand eight hundred and forty-one, have such and the same Power to reverse, discharge, or alter Decrees or Orders of the said Court of Exchequer in Suits and Matters hereby transferred to the said Court of Chancery as they would have had if the same Decrees or Orders had been made by them respectively, or by their respective Predecessors in Office, in Suits or Matters depending in the said Court of Chancery: Provided always, that any Decree or Order of the Master of the Rolls, or One of the Vice Chancellors, reversing, discharging, or altering any Decree or Order of the said Court of Exchequer, shall be subject to be reversed, discharged, or varied by the Lord Chancellor.

Power to Lord Chancellor, &c. to reverse, &c. Orders of the Court of Exchequer.

XXXII. And be it enacted, That *Richard Richards* Esquire, the present Accountant General, and One of the Masters of the said Court of Exchequer, shall, on the said Fifteenth Day of October One thousand eight hundred and forty-one, become by force of this Act a Master in Ordinary of the High Court of Chancery, in addition to the present Masters in Ordinary of the said Court of Chancery, with the like Privileges, Duties, Powers, Authority, and Jurisdiction which are now vested in or may be exercised by a Master in Ordinary of the said Court of Chancery; and he and his Successors shall take the usual Oaths before the Lord Chancellor, in like Manner as the same are at present administered to Masters in Ordinary of the said Court of Chancery; and that all References which on the said Fifteenth Day of October shall be depending before the Masters on the Equity Side of the said Court of Exchequer shall be by force of this Act transferred to the said *Richard Richards* as a Master in Ordinary of the said Court of Chancery, and such other References shall also be made to the said *Richard Richards* by the said Court of Chancery as the Lord Chancellor shall by any General Order from Time to Time direct.

Appointment of R. Richards, Esquires, to be a Master in Chancery.

Certain depending References transferred to him, and such others as the Lord Chancellor shall direct.

XXXIII. And be it enacted, That upon the Death, Resignation, or Removal from Office of the said *Richard Richards*, and

Her Majesty empowered by Letters Patent upon

10 1/2 1/2 60

order of Payment to, and after paying and reserving sufficient to pay, all such Sums of Money as by any Act or Acts of Parliament now in force have been directed to be paid thereout, but with preference to all other Payments which shall hereafter be charged upon or payable out of the same Fund; and such Annuity shall be paid quarterly, free from all Taxes and Deductions whatsoever, on the Four usual Days of Payment in the Year; (that is to say,) the Fifth Day of *January*, the Fifth Day of *April*, the Fifth Day of *July*, and the Tenth Day of *October* in every Year, by equal Portions; and the first quarterly Payment, or a proportionate Part thereof, to be computed from the Time of the Resignation of the said Office, shall be made on such of the same Days as shall next happen after the Resignation of the said Office; and that the Executors or Administrators of the Person to whom the same Annuity shall be granted as aforesaid shall be paid such proportionate Part of the said Annuity as shall accrue from the Commencement or the last quarterly Payment thereof, as the Case may be, to the Day of his Death: Provided always, that it shall be lawful for Her Majesty, in and by such Letters Patent, to limit the Duration of Payment of such Annuity, or any Part thereof, to such Periods of Time during the natural Life of such Person in which he shall not exercise any Office of Profit under Her Majesty, so that such Annuity, together with the Salary and Profits of such other Office, shall together not exceed in the whole the said Sum of Three thousand five hundred Pounds: Provided also, that no Annuity granted to any Person having executed the Office of Vice Chancellor under this Act shall be valid unless such Person shall have continued in the said Office, or in the said Office and the Office of a Judge in One or more of Her Majesty's Superior Courts of Common Law at *Westminster*, for the Period of Fifteen Years, or shall be afflicted with some permanent Infirmary disabling him from the due Execution of his Office, which shall be distinctly recited in the said Grant.

Such Annuity may be limited as herein mentioned.

Period of Service.

Regulating future Salaries of Vice Chancellor appointed under

53 G. 3. c. 24.

XXXVII. And be it enacted, That from and after the Death, Resignation, or Removal of the present Vice Chancellor of *England* the Salary payable to the Vice Chancellor for the Time being appointed under the said Act passed in the Fifty-third Year of the Reign of King *George* the Third shall be reduced to the yearly Sum of Five thousand Pounds, and the Salary of his Secretary shall be reduced to the yearly Sum of Three hundred Pounds; and that no greater Annuity chargeable upon the Consolidated Fund than the Annuity of Three thousand five hundred Pounds shall be granted by Her Majesty to any Person executing the Office of Vice Chancellor, to take effect upon his resigning such Office, other than the present Vice Chancellor.

Number of Registrars increased to Ten.
3 & 4 W. 4. c. 94

XXXVIII. ' And whereas by an Act passed in the Fourth Year of the Reign of His Majesty King *William* the Fourth, ' intituled *An Act for the Regulation of the Proceedings and Practice of certain Offices of the High Court of Chancery*, Six ' Registrars of the said Court of Chancery were appointed, and ' Provision

‘ Provision was thereby made for filling up Vacancies in the Office of Registrar of the said Court: And whereas it is expedient and necessary that the Number of Registrars of the said Court of Chancery should be increased;’ be it therefore enacted, That from and after the said Fifteenth Day of *October* One thousand eight hundred and forty-one there shall be Ten Registrars of the said Court; and that *Edward Dod Colville* Esquire, the present First Registrar of the Court of Chancery; *Joseph Collis* Esquire, the present Second Registrar of the Court of Chancery; *Robert Onebye Walker* Esquire, the present Third Registrar of the Court of Chancery; *Francis Henry Davis* Esquire, one of the present Sworn Clerks of the Court of Exchequer; *Henry Edgeworth Bicknell* Esquire, the present Fourth Registrar of the Court of Chancery; *Henry Hussey* Esquire, the present Fifth Registrar of the Court of Chancery; *Hugh Wood* Esquire, one of the present Sworn Clerks of the Court of Exchequer; *Francis Robert Bedwell* Esquire, the present Sixth Registrar of the Court of Chancery; *Cecil Monro* Esquire, the present First Clerk to the Registrars of the Court of Chancery; and *Edward Dod Colville* junior, Esquire, the present Second Clerk to the Registrars of the said Court of Chancery, shall be such Ten Registrars, and shall rank in the Order and Course in which they are herein respectively named; and that (subject nevertheless to the Provisions herein-after contained) on the Death, Resignation, Promotion, or Removal of any of the Ten Registrars of the said Court of Chancery, other than the junior of the same Registrars, the Vacancy thereby occasioned shall be filled up by the Registrar next in Seniority, to whom no sufficient Objection to the Satisfaction of the Lord Chancellor shall be made, or by the senior of the Clerks to the Registrars for the Time being, to whom no sufficient Objection to the Satisfaction of the Lord Chancellor shall be made, in case the junior of the same Registrars for the Time being, but for some sufficient Objection to the Satisfaction of the Lord Chancellor being made, would have been the Person to supply such Vacancy; and that on the Death, Resignation, Promotion, or Removal of the junior Registrar for the Time being, the Vacancy thereby occasioned shall be filled up by the senior of the Clerks to the Registrars for the Time being, to whom no sufficient Objection to the Satisfaction of the Lord Chancellor shall be made; and that each of such Persons so appointed to be Registrars, and all and every Persons and Person hereafter to be appointed to be such Registrars or Registrar, shall be and are hereby authorized, empowered, and required personally to do and perform all such Acts, Deeds, Matters, and Things necessary and proper in the due Execution of their said Offices as belong or appertain thereto, with respect to the Receipt and Payment of Fees, and in all other respects, except so far as the same may be altered or varied by any Rules or Orders to be made or issued by the Lord Chancellor relative thereto.

Provisions for filling up Vacancies.

XXXIX. And be it enacted, That the Registrars of the said Court of Chancery shall attend the Court of the Lord Chancellor,

Registrars to attend each Judge of the

order of Payment to, and after paying and reserving sufficient to pay, all such Sums of Money as by any Act or Acts of Parliament now in force have been directed to be paid thereout, but with preference to all other Payments which shall hereafter be charged upon or payable out of the same Fund; and such Annuity shall be paid quarterly, free from all Taxes and Deductions whatsoever, on the Four usual Days of Payment in the Year; (that is to say,) the Fifth Day of *January*, the Fifth Day of *April*, the Fifth Day of *July*, and the Tenth Day of *October* in every Year, by equal Portions; and the first quarterly Payment, or a proportionate Part thereof, to be computed from the Time of the Resignation of the said Office, shall be made on such of the same Days as shall next happen after the Resignation of the said Office; and that the Executors or Administrators of the Person to whom the same Annuity shall be granted as aforesaid shall be paid such proportionate Part of the said Annuity as shall accrue from the Commencement or the last quarterly Payment thereof, as the Case may be, to the Day of his Death: Provided always, that it shall be lawful for Her Majesty, in and by such Letters Patent, to limit the Duration of Payment of such Annuity, or any Part thereof, to such Periods of Time during the natural Life of such Person in which he shall not exercise any Office of Profit under Her Majesty, so that such Annuity, together with the Salary and Profits of such other Office, shall together not exceed in the whole the said Sum of Three thousand five hundred Pounds: Provided also, that no Annuity granted to any Person having executed the Office of Vice Chancellor under this Act shall be valid unless such Person shall have continued in the said Office, or in the said Office and the Office of a Judge in One or more of Her Majesty's Superior Courts of Common Law at *Westminster*, for the Period of Fifteen Years, or shall be afflicted with some permanent Infirmary disabling him from the due Execution of his Office, which shall be distinctly recited in the said Grant.

Such Annuity may be limited as herein mentioned.

Period of Service.

Regulating future Salaries of Vice Chancellor appointed under
53 G. 3. c. 24.

XXXVII. And be it enacted, That from and after the Death, Resignation, or Removal of the present Vice Chancellor of *England* the Salary payable to the Vice Chancellor for the Time being appointed under the said Act passed in the Fifty-third Year of the Reign of King *George* the Third shall be reduced to the yearly Sum of Five thousand Pounds, and the Salary of his Secretary shall be reduced to the yearly Sum of Three hundred Pounds; and that no greater Annuity chargeable upon the Consolidated Fund than the Annuity of Three thousand five hundred Pounds shall be granted by Her Majesty to any Person executing the Office of Vice Chancellor, to take effect upon his resigning such Office, other than the present Vice Chancellor.

Number of Registrars increased to Ten.
3 & 4 W. 4. c. 94

XXXVIII. ' And whereas by an Act passed in the Fourth Year of the Reign of His Majesty King *William* the Fourth, ' intituled *An Act for the Regulation of the Proceedings and Practice of certain Offices of the High Court of Chancery*, Six ' Registrars of the said Court of Chancery were appointed, and ' Provision

‘ Provision was thereby made for filling up Vacancies in the Office of Registrar of the said Court: And whereas it is expedient and necessary that the Number of Registrars of the said Court of Chancery should be increased;’ be it therefore enacted, That from and after the said Fifteenth Day of *October* One thousand eight hundred and forty-one there shall be Ten Registrars of the said Court; and that *Edward Dod Colville* Esquire, the present First Registrar of the Court of Chancery; *Joseph Collis* Esquire, the present Second Registrar of the Court of Chancery; *Robert Onebye Walker* Esquire, the present Third Registrar of the Court of Chancery; *Francis Henry Davis* Esquire, one of the present Sworn Clerks of the Court of Exchequer; *Henry Edgeworth Bicknell* Esquire, the present Fourth Registrar of the Court of Chancery; *Henry Hussey* Esquire, the present Fifth Registrar of the Court of Chancery; *Hugh Wood* Esquire, one of the present Sworn Clerks of the Court of Exchequer; *Francis Robert Bedwell* Esquire, the present Sixth Registrar of the Court of Chancery; *Cecil Monro* Esquire, the present First Clerk to the Registrars of the Court of Chancery; and *Edward Dod Colville* junior, Esquire, the present Second Clerk to the Registrars of the said Court of Chancery, shall be such Ten Registrars, and shall rank in the Order and Course in which they are herein respectively named; and that (subject nevertheless to the Provisions herein-after contained) on the Death, Resignation, Promotion, or Removal of any of the Ten Registrars of the said Court of Chancery, other than the junior of the same Registrars, the Vacancy thereby occasioned shall be filled up by the Registrar next in Seniority, to whom no sufficient Objection to the Satisfaction of the Lord Chancellor shall be made, or by the senior of the Clerks to the Registrars for the Time being, to whom no sufficient Objection to the Satisfaction of the Lord Chancellor shall be made, in case the junior of the same Registrars for the Time being, but for some sufficient Objection to the Satisfaction of the Lord Chancellor being made, would have been the Person to supply such Vacancy; and that on the Death, Resignation, Promotion, or Removal of the junior Registrar for the Time being, the Vacancy thereby occasioned shall be filled up by the senior of the Clerks to the Registrars for the Time being, to whom no sufficient Objection to the Satisfaction of the Lord Chancellor shall be made; and that each of such Persons so appointed to be Registrars, and all and every Persons and Person hereafter to be appointed to be such Registrars or Registrar, shall be and are hereby authorized, empowered, and required personally to do and perform all such Acts, Deeds, Matters, and Things necessary and proper in the due Execution of their said Offices as belong or appertain thereto, with respect to the Receipt and Payment of Fees, and in all other respects, except so far as the same may be altered or varied by any Rules or Orders to be made or issued by the Lord Chancellor relative thereto.

Provisions for filling up Vacancies.

XXXIX. And be it enacted, That the Registrars of the said Court of Chancery shall attend the Court of the Lord Chancellor,

Registrars to attend each Judge of the

Court as the Lord Chancellor, &c. shall direct.

In case of Illness they may appoint a Deputy.

On failure of Appointment for Two Days the Lord Chancellor to appoint.

Clerks to the Registrars increased to Twelve.

Vacancies to be filled up by Seniority.

cellor, the Court of the Master of the Rolls, the Court of the Vice Chancellor appointed in pursuance of the said Act passed in the Fifty-third Year of the Reign of King *George the Third*, and the Courts of the Vice Chancellors to be appointed under this Act, in such Order and Manner as shall be found most expedient for furthering the Business of the Court, and as the Lord Chancellor, with the Concurrence of the Master of the Rolls and Vice Chancellors for the Time being, or any Two of them, shall from Time to Time by any General Order direct; and that in case of Illness it shall be lawful for any of such Registrars, from Time to Time as Occasion may require, to appoint a Deputy, such Deputy, and also the Occasion for such Appointment, to be first approved by the Lord Chancellor, upon a Petition, to be verified by Affidavit, for such Time and under such general Regulations as the Lord Chancellor, with the Concurrence of the Master of the Rolls and Vice Chancellors for the Time being, or any Two of them, shall direct; and no such Appointment of a Deputy shall continue for any longer Time than shall be allowed and specified in and by the Order which shall be made by the Lord Chancellor upon such Petition: Provided, that in case any Registrar of the said Court who shall be prevented by Illness from giving his personal Attendance shall omit for the Space of Two Days to appoint such Deputy, the Lord Chancellor shall, if he shall see fit, himself appoint such Deputy, and direct what Part of the Salary of such Registrar shall be received by such Deputy, and the same shall be paid over to and received by him accordingly.

XL. And be it enacted, That from and after the said Fifteenth Day of *October* One thousand eight hundred and forty-one there shall be Twelve Clerks to the Registrars of the said Court of Chancery; and *Richard Howell Leach*, the present Third Clerk to the Registrars of the Court of Chancery; *Percival Bedwell*, the present Fourth Clerk to the Registrars of the said Court of Chancery; *Henry Latham*, the present Fifth Clerk to the Registrars of the Court of Chancery; *James Thomas Fry*, the present Sixth Clerk to the Registrars of the said Court of Chancery; *Thomas Ellis Adlington*, one of the present Sworn Clerks of the Court of Exchequer; *Francis Henry Rich*, one of the present Side Clerks of the Court of Exchequer; *Frederick Metcalfe*, the present Seventh Clerk to the Registrars of the Court of Chancery; *John Lewis Merivale*, the present Eighth Clerk to the Registrars of the Court of Chancery; *Frank Milne*, one of the present Side Clerks of the Court of Exchequer; and Three Persons, duly qualified, to be appointed by the Lord Chancellor, shall be such Twelve Clerks to the Registrars of the Court of Chancery, and, as to the Persons herein named, shall rank in the Order and Course in which they are herein respectively named; and that (subject nevertheless to the Provisions herein-after contained) on the Death, Resignation, Promotion, or Removal of any of the Twelve Clerks to the Registrars of the said Court of Chancery, other than the junior Clerk, the Vacancy thereby occasioned shall be filled up by the Clerk

Clerk next in Seniority, to whom no sufficient Objection to the Satisfaction of the Lord Chancellor shall be made, or by any Person who, under the Provision herein-after contained, shall be eligible to the Office of Twelfth Clerk, in case the Twelfth Clerk for the Time being, but for some sufficient Objection to the Satisfaction of the Lord Chancellor being made, would have been the Person to supply such Vacancy.

XXI. And be it enacted, That the Lord Chancellor shall appoint some proper Person who shall have been admitted and entered on the Roll of Solicitors or Attornies of some one of Her Majesty's Courts in *Westminster Hall*, or who shall have duly served a Term of not less than Five Years under Articles of Clerkship to some Solicitor or Attorney of some one of the said Courts, to be Tenth, Eleventh, and Twelfth Clerk to the said Registrars, and shall in like Manner supply Vacancies in the Office of Twelfth Clerk to the Registrars whenever the same shall happen.

Lord Chancellor to appoint Tenth, Eleventh, and Twelfth Clerk, and to fill up Vacancies in Office of Twelfth Clerk.

XLII. And be it enacted, That if it shall hereafter appear to the Lord Chancellor that the Business of the Registrars Office cannot be discharged with due Despatch without more than Twelve Clerks, then and in such Case it shall be lawful for the Lord Chancellor from Time to Time to appoint One or more additional Clerk or Clerks to the Registrars, being a Person or Persons who, under the Provisions of this Act, shall be eligible to the Office of Twelfth Clerk to the Registrars; and such additional Clerk or Clerks shall succeed to and fill any Vacancy when and as the same may occur by any Death, Resignation, Promotion, or Removal of any other Clerk to the Registrars, in the same Manner as the Right of Succession is given to the before-named Clerks, but subject in all Cases to Cause being shown to the contrary to the Satisfaction of the Lord Chancellor.

Lord Chancellor empowered to increase the Number of Clerks in the Registrars Office.

XLIII. Provided always, and be it enacted, That the present Registrars and Clerks to the Registrars of the said Court of Chancery, other than the said *Francis Robert Bedwell* and *Edward Dod Colville junior*, shall respectively have such and the same Right of Succession to the Offices of First Registrar, Second Registrar, Third Registrar, Fifth Registrar, Sixth Registrar, Ninth Registrar, Senior Clerk to the Registrars, Second Clerk to the Registrars, Third Clerk to the Registrars, and Fourth Clerk to the Registrars, as, under the said Act passed in the Fourth Year of the Reign of His Majesty King *William the Fourth*, they would have had to the Offices of Registrars and Clerks to the Registrars appointed by or under the same Act, if this Act had not passed, and the said *Francis Robert Bedwell* had ceased to be a Registrar, and the said *Edward Dod Colville junior* had ceased to be Clerk to the Registrars, and had not become Registrar.

Preserving Rights of present Registrars and Clerks.

XLIV. Provided also, and be it enacted, That such of the present Sworn Clerks and Side Clerks of the Court of Exchequer as are hereby appointed Registrars or Clerks to the Registrars of the said Court of Chancery, and the said *Francis Robert*

Proviso as to Succession of Sworn Clerks, &c.

Robert Bedwell and *Edward Dod Colville junior*, shall have such and the same Right of Succession to the Offices of Fourth Registrar, Seventh Registrar, Eighth Registrar, Tenth Registrar, Fifth Clerk to the Registrars, and Sixth Clerk to the Registrars, as, under the said Act passed in the Fourth Year of the Reign of His Majesty King *William the Fourth*, they would have had to the Offices of Registrars and Clerks to the Registrars appointed by or under the same Act, in case Four Registrars only, and Three Clerks to the Registrars only, had been appointed by the same Act, and the said Sworn Clerks and Side Clerks, and the said *Francis Robert Bedwell* and *Edward Dod Colville junior*, had been appointed to the same Offices respectively in the Order in which they are hereby appointed.

Office of Master
of Reports and
Entries.

XLV. And be it enacted, That the several Registrars of the said Court of Chancery and the Clerks to the Registrars shall, in the Event of a Vacancy in the Office of Master of the Reports and Entries, according to their Seniority, be entitled to succeed; but any such Registrar or Clerk so taking such Office shall vacate his Office of Registrar or Clerk, and shall not be entitled to fill either of such Offices, or to succeed to any other Registrar or Clerk: Provided always, that the present Registrars and Clerks to the Registrars shall have such and the same Right of Succession to the same Office as they would have had under the said Act passed in the Fourth Year of the Reign of His Majesty King *William the Fourth* if this Act had not passed.

Duties of Reg-
istrars Clerks.

XLVI. And be it enacted, That the several Clerks to the said Registrars appointed and to be appointed under this Act shall personally perform all such Matters and Things as are necessary and proper in the due Execution of the Business of the said Office of the Registrars, and as are now done and performed by the Clerks to the Registrars of the said Court of Chancery, with respect to the Receipt, and Payment of Fees, and in all other respects, excepting so far as the same shall be varied by any Rules or Orders to be made or issued by the Lord Chancellor relative thereto.

Lord Chancel-
lor may appoint
Persons to keep
Order in
Courts.

XLVII. And be it enacted, That it shall be lawful for the Lord Chancellor to appoint One or more Person or Persons, removeable at Pleasure, for the Purpose of keeping Order in the Courts of the Vice Chancellors to be appointed under the Authority of this Act.

Masters, Regis-
trars, and Clerks
to Registrars,
to hold their
Offices during
good Behaviour,
and, with other
Officers, to be
subject to Pro-
hibitions, &c.

XLVIII. And be it enacted, That the Masters in Ordinary, Registrars, and Clerks to the Registrars, appointed and to be appointed under this Act, shall hold their respective Offices during their good Behaviour, and so long as they shall personally give their Attendance upon their respective Duties, and shall conduct themselves honestly and faithfully in the due Execution of the Duties of their said Offices respectively; and that they, and all other Persons holding any Office, Situation, or Employment in any Office of the said Court of Chancery, or under any of the Judges or Officers thereof, under this Act, shall be subject or liable to such and the same Prohibitions, Prosecu-
tions,

tions, Penalties, and Punishments as are by the said Act passed in the Fourth Year of the Reign of King *William* the Fourth imposed or directed with respect to the Masters in Ordinary of the said Court of Chancery, and other Persons holding any Office, Situation, or Employment in the same Court, or under any of the Judges or Officers thereof, in the same Manner as if the Enactments therein contained relating to such Masters and other Officers of the said Court respectively were here repeated.

XLIX. And be it enacted, That it shall be lawful for the Lord Chancellor, with the Concurrence of the Master of the Rolls and Vice Chancellors for the Time being, or any Two of them, by any Order, to remove from his Office any Officer for the Time being of the said Court of Chancery holding Office during good Behaviour (other than a Master in Ordinary), for some sufficient Cause, to be in such Order expressed; and that any Officer, Clerk, or Messenger appointed or to be appointed under the Authority of an Act passed in the Fourth Year of the Reign of Her present Majesty, intituled *An Act for facilitating the Administration of Justice in the Court of Chancery*, shall be removeable at the Pleasure of the Lord Chancellor, with the Concurrence of the Master of the Rolls and Vice Chancellors for the Time being, or any Two of them.

Power to Lord Chancellor to remove Officers, &c.

3 & 4 Vict. c. 94.

L. And be it enacted, That, out of the Interest and Dividends that have arisen or may arise from the Government or Parliamentary Securities now or hereafter to be placed, in the Name of the Accountant General of the said Court of Chancery, to the Two Accounts, intituled "Account of Monies placed out for the Benefit and better Security of the Suitors of the High Court of Chancery," and "Account of Securities purchased with surplus Interest arising from Securities carried to an Account of Monies placed out for the Benefit and better Security of the Suitors of the High Court of Chancery," or either of them, (but subject and without Prejudice to the Payment of all Salaries or Sums of Money by any Act or Acts now in force directed or authorized to be paid thereout,) there shall be paid by the Governor and Company of the Bank of *England*, by virtue of any Orders or Orders of the Court of Chancery to be made from Time to Time for that Purpose, the Salaries and Sums following; (that is to say,) such Sums as the Lord Chancellor shall think reasonable to be paid to such Persons as he shall in any Order in that Behalf name, for Work done, or Monies expended in transferring the Accounts heretofore kept by the Accountant General of the said Court of Exchequer to the Books of the Accountant General of the said Court of Chancery, and in otherwise carrying into effect the Provisions of this Act in that Behalf, and also the yearly Salary of Forty Pounds to each Person to be appointed under this Act to keep Order in the Courts of the Vice Chancellors, the same Salaries to be paid quarterly on such Days and in such Manner as the Lord Chancellor shall by any Order in that Behalf direct; and also such Sum or Sums of Money, not exceeding in the whole the Sum of Five thousand Pounds, as the Lord Chancellor shall think

Provision for certain Expenses and Salaries.

think reasonable, for Expences to be incurred in Alterations or Improvements of the Offices of the Registrars, Accountant General, and Masters of the said Court of Chancery, or any other of the Offices of the same Court, for the Purpose of rendering the same fit for the convenient Reception and Occupation of the several additional Officers of the said Court appointed or to be appointed under the Authority of this Act, or generally for Expences to be incurred in carrying this Act into effect; and also such annual Sum or Sums of Money as the Lord Chancellor shall think reasonable for the Rent of any Buildings or Rooms which may be taken for any Officers of the Lord Chancellor or of the Court of Chancery.

Repeal of certain Provisions of 3 & 4 W. 4. c. 94.

LI. And be it enacted, That so much of the said Act passed in the Fourth Year of the Reign of His late Majesty King *William the Fourth* as directs the Payment of Salaries to the Registrars and Clerks to the Registrars of the said Court of Chancery shall, from and after the said Fifteenth Day of *October* One thousand eight hundred and forty-one, be repealed: Provided always, that on the said Fifteenth Day of *October* One thousand eight hundred and forty-one such proportionate Part of the same Salaries respectively as shall have accrued since the last quarterly Day of Payment thereof to the said Fifteenth Day of *October* shall be paid to the Registrars and Clerks to the Registrars under the said last-mentioned Act, out of the Fund placed to the Credit of the Accountant General of the said Court of Chancery, intituled "The Suitors Fee Fund Account," by the Governor and Company of the Bank of *England*, by virtue of any Order or Orders of the said Court of Chancery to be made for that Purpose.

Salaries to Registrars and Clerks, and Masters Clerks, to be paid out of the Suitors Fee Fund.

LII. And be it enacted, That, out of the Fund placed to the Credit of the Accountant General of the said Court of Chancery, intituled "The Suitors Fee Fund Account," there shall be paid (but subject and without Prejudice to the Payment of all Salaries and Sums of Money which by any Act or Acts now in force are authorized to be paid thereout), by the Governor and Company of the Bank of *England*, by virtue of any Order or Orders of the said Court of Chancery to be from Time to Time made for that Purpose, to the several Officers named in the Third Schedule to this Act, the several Salaries or yearly Sums set opposite to their respective Names or Titles in such Schedule; and that such Salaries or yearly Sums shall be payable and paid, free from Taxes and Deductions, by equal quarterly Payments, on the Twenty-fifth Day of *February*, the Twenty-fifth Day of *May*, the Twenty-fifth Day of *August*, and the Twenty-fifth Day of *November* in every Year, a proportionate Part of the first of such quarterly Payments to be computed from the said Fifteenth Day of *October* One thousand eight hundred and forty-one, to be made on the Twenty-fifth Day of *November* One thousand eight hundred and forty-one; and that upon the Resignation, Death, or Removal from Office of any such Officer, such Officer, or his Executors or Administrators, as the Case may be, shall be paid such proportionate

portionate Part of the Salary aforesaid as shall have accrued since the last quarterly Payment thereof to the Time of such Resignation, Death, or Removal from Office, and that the succeeding Officer shall be paid such proportionate Part of the Salary as shall be accruing or shall accrue from the Day of the Resignation, Death, or Removal from Office of the preceding Officer for the Time being.

LIII. And be it enacted, That, out of the said Fund placed to the Credit of the Accountant General of the said Court of Chancery, intituled "The Suitors Fee Fund Account," (but subject and without Prejudice as aforesaid,) there shall be paid by the Governor and Company of the Bank of *England*, by virtue of any Order or Orders of the said Court of Chancery to be from Time to Time made for that Purpose, to each of the Registrars of the said Court of Chancery for the Time being (other than the present Six Registrars of the said Court), in addition to their respective Salaries, the yearly Sum of One hundred Pounds, so long as such Registrar shall be liable to the Expence of copying the Decrees and Orders of the said Court, and the Minutes of such Decrees and Orders, and to the said *Frank Milne* as long as he shall hold the Office of Ninth Clerk to the Registrars, or either of the Offices of Eighth Clerk to the Registrars or Seventh Clerk to the Registrars, the yearly Sum of Two hundred Pounds, in addition to his Salary as such Clerk; the said yearly Sums of One hundred Pounds and Two hundred Pounds to be paid quarterly with such proportionate Parts and on the same Days as are herein-before mentioned and appointed for the Payment of the Salaries payable out of the Fund last herein-before mentioned.

Allowance to Registrars for copying, &c.

LIV. And be it enacted, That it shall be lawful for the Lord Chancellor, by any Order or Orders of the said Court of Chancery, to be made from Time to Time on a Petition presented to him for that Purpose, to order (if he shall so think fit) an Annuity or clear yearly Sum of Money, not exceeding One thousand five hundred Pounds, to be paid out of the Interest and Dividends that have arisen or may arise from the Securities now or hereafter to be placed in the Name of the said Accountant General to the Two Accounts, intituled "Account of Monies placed out for the Benefit and better Security of the Suitors of the High Court of Chancery," and "Account of Securities purchased with surplus Interest arising from Securities carried to an Account of Monies placed out for the Benefit and better Security of the Suitors of the High Court of Chancery," or either of them, (but subject and without Prejudice as aforesaid,) to the said *Richard Richards*, or any of his Successors in the Office of Master in Ordinary of the said Court of Chancery, if and when the said *Richard Richards*, or any of his Successors, shall be afflicted with some permanent Infirmity disabling him from the due Execution of his Office, and shall be desirous of resigning the same; and the Annuity or yearly Sum mentioned in such Order or Orders shall be paid by the Governor and Company of the

Power to Lord Chancellor to order Retiring Annuity to Mr. Richards and his Successors.

Bank of *England* out of the Interest and Dividends of the said Securities (but subject and without Prejudice as aforesaid), by equal quarterly Payments, on the Fifth Day of *January*, the Fifth Day of *April*, the Fifth Day of *July*, and the Tenth Day of *October* in every Year, to such Master in Ordinary, from the Period when he shall resign his said Office, for the Term of his Life, free from Taxes.

Officers whose Offices are abolished may make Claims for Compensation.

LV. And be it enacted, That it shall be lawful for any Officer of the Court of Exchequer whose Office will be abolished or affected by the Operation of this Act to make a Claim for Compensation, within Six Months after the passing thereof, to the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, and the Lord Chief Baron of the said Court for the Time being; and the said Commissioners and the Lord Chief Baron shall proceed, in such Manner as they may think proper, to inquire whether any Compensation ought to be made to any such Claimant, and, if any, what were the lawful Fees and Emoluments in respect of which the same should be allowed; and in every Case in which such Claim shall be established to the Satisfaction of the said Commissioners and the Lord Chief Baron they are hereby authorized and empowered to fix and determine, by an Order under their Hands, the Amount of the annual Compensation which shall seem to them to be just and reasonable for the Loss sustained by such Claimant, not being, in any Case where his Office is wholly abolished by and he shall not be appointed to any other Office under this Act, less than Three Fourth Parts of the full net annual Value of the lawful Fees and Emoluments of the Office so abolished; and the Amount of such annual Value as aforesaid shall be ascertained and fixed by the said Commissioners and the Lord Chief Baron according to such an Average of yearly Receipts and Disbursements prior to the passing of this Act as they shall think proper; and the Times when such annual Compensation shall commence and also be payable (whether quarterly or otherwise) shall also be fixed by the said Commissioners and Lord Chief Baron; and the said Commissioners and the Lord Chief Baron shall have full Power to award, in any Case in which they shall think fit, such annual Sum by way of Compensation to any such Claimant who shall be appointed by or under this Act to any Office or Situation in the Court of Chancery, in addition to the Salary attached to such Office or Situation, so long as he shall hold Office under this Act, and also an annual Sum by way of Compensation, to become payable when he shall, with the Sanction of the Lord Chancellor, have resigned such Office; and all the Compensations fixed and determined as aforesaid shall be issued and paid and payable by the Governor and Company of the Bank of *England*, by virtue of an Order or Orders for that Purpose to be made by the said Court of Chancery, out of the Interest and Dividends that have arisen or may hereafter arise from the Government or Parliamentary Securities now or hereafter to be placed to Two several Accounts in the Bank of *England* standing

in the Name of the said Accountant General of the Court of Chancery, and intituled "Account of Monies placed out for the Benefit and better Security of the Suitors of the High Court of Chancery," and "Account of Securities purchased with surplus Interest arising from Securities carried to an Account of Monies placed out for the Benefit and better Security of the Suitors of the High Court of Chancery," or either of them (but subject and without Prejudice to the Payment of all Salaries and Sums of Money which by any Act or Acts now in force are authorized to be paid thereout): Provided always, that an Account of all such Compensations shall, within Fourteen Days next after the same shall be so granted, be laid upon the Table of the House of Commons, if Parliament shall be then assembled, or if Parliament shall not be then assembled, then within Fourteen Days after the Meeting of Parliament then next following.

LVI. And be it enacted, That it shall be lawful for the Lord Chancellor, by any Order or Orders of the said Court of Chancery, to be made from Time to Time on a Petition presented to him for that Purpose, after the said Fifteenth Day of *October* One thousand eight hundred and forty-one, to order (if he shall think fit) an Annuity or clear yearly Sum of Money to be paid to any Person executing the Office of Registrar under this Act, not exceeding Two Third Parts of the yearly Salary which such Person shall under this Act be entitled to at the Time of presenting such Petition, to be paid out of the Interest and Dividends that have arisen or may arise from the Securities now or hereafter to be placed in the Name of the said Accountant General to the Two Accounts, intituled "Account of Monies placed out for the Benefit and better Security of the Suitors of the High Court of Chancery," and "Account of Securities purchased with surplus Interest arising from Securities carried to an Account of Monies placed out for the Benefit and better Security of the Suitors of the High Court of Chancery," or either of them, (but subject and without Prejudice as aforesaid,) if and when such Person shall be afflicted with some permanent Infirmary disabling him from the due Execution of his Office, or shall have continued in the Office of Registrar and the Office of Clerk to the Registrars for the Period of Forty Years, and shall be desirous of resigning the same; and the Annuity or yearly Sum mentioned in such Order or Orders shall be paid, by the Governor and Company of the Bank of *England*, out of the Interest and Dividends of the said Securities, (but subject and without Prejudice as aforesaid,) by equal quarterly Payments, on the Fifth Day of *January*, the Fifth Day of *April*, the Fifth Day of *July*, and the Tenth Day of *October* in every Year, to such Registrar, from the Period when he shall resign his said Office, for the Term of his Life, free from Taxes: Provided always, that a Continuance in the Office of Sub or Deputy Registrar and Clerk in the Registrars Office before the said Act passed in the Fourth Year of the Reign of King *William* the Fourth came into operation shall be deemed a Continuance

Power to Lord Chancellor to order Retiring Pension to Registrars, &c.

in the Office of Registrar and Clerk to the Registrars within the Meaning of this Act; and that, as to such of the said Sworn Clerks and Side Clerks of the Court of Exchequer as are hereby appointed Registrars or Clerks to the Registrars, the Time during which they shall respectively have been Sworn Clerks and Side Clerks of the same Court of Exchequer before the said Fifteenth Day of *October* One thousand eight hundred and forty-one shall be added to the Time during which they shall have been actually Registrars and Clerks to the Registrars, and shall, for the Purposes of this Clause, be deemed and taken as Part of the Time during which they shall have continued in the Office of Registrar and the Office of Clerk to the Registrars.

Compensation to the Hon. Mr. Scarlett to cease when he shall become a Peer.

LVII. Provided always, and be it hereby enacted, That every annual or other Sum of Money awarded by way of Compensation or otherwise under this Act to the Honourable *Robert Campbell Scarlett*, now one of the Masters of the Court of Exchequer, shall cease to be payable when and so soon as he shall succeed to the Dignity of a Peer of the United Kingdom.

Provision in case of Surplus or Deficiency of Fee Fund.

LVIII. And be it enacted, That if at the End of any Year there shall be a Surplus standing to the Credit of the said Account intituled "The Suitors Fee Fund Account," after Payment of the several Salaries or Sums of Money charged thereon by this Act or the said Act passed in the Fourth Year of the Reign of King *William* the Fourth, it shall be lawful for the Lord Chancellor, by any Order or Orders of the said Court of Chancery, to direct that any Surplus which may remain on the said Account to be intituled "The Suitors Fee Fund Account," after paying the several Salaries or Sums of Money charged thereon, or such Part thereof as to the said Lord Chancellor shall seem fit, shall be invested in the Purchase of Parliamentary or Government Securities in the Name of the said Accountant General, to be placed to the Account intituled "An Account of Monies placed out to provide for the Officers of the High Court of Chancery," and it shall be lawful for the Lord Chancellor in like Manner to direct the Investment of the Dividends and Interest to accrue from Time to Time on such last-mentioned Securities, or so much of such Dividends and Interest as he shall think fit, in the Purchase of Parliamentary or Government Securities in the Name of the Accountant General, to be by him placed to the Credit of the said last-mentioned Account; and in the event of there being a Deficiency in the said Account intituled "The Suitors Fee Fund Account," at any of the Times hereby or by the said last-mentioned Act appointed for Payment of the Salaries charged thereon, to raise and pay the several Sums then due, it shall be lawful for the Lord Chancellor to direct the said Accountant General from Time to Time to make good such Deficiency as often as the same shall arise, by carrying over and placing to the said Account intituled "The Suitors Fee Fund Account" a Sum sufficient for that Purpose, out of the Interest or Dividends to arise from the Government or Parliamentary Securities standing to the said Account intituled "Account of Monies placed out

to provide for the Officers of the High Court of Chancery," or by a Sale of so much of the said Securities as may be necessary for that Purpose; and in case such last-mentioned Securities, and the Interest and Dividends thereof, shall be at any Time insufficient to meet such Deficiency, it shall be lawful for the Lord Chancellor to direct the said Accountant General to make good such last-mentioned Deficiency so often as the same shall arise, by carrying over and placing to the said Account to be intituled "The Suitor's Fee Fund Account" a Sum sufficient for that Purpose, out of the Interest and Dividends that have arisen or which may hereafter arise from the Government or Parliamentary Securities now or hereafter to be placed to Two several Accounts in the Bank of *England* standing in the Name of the Accountant General, and intituled "Account of Monies placed out for the Benefit and better Security of the Suitors of the High Court of Chancery," and "Account of Securities purchased with surplus Interest arising from Securities carried to an Account of Monies placed out for the Benefit and better Security of the Suitors of the High Court of Chancery," or either of them.

LIX. And be it enacted, That the surplus Interest and annual Produce which hath arisen and shall arise from the Monies placed out on the several Accounts intituled "Account of Monies placed out for the Benefit and better Security of the Suitors of the High Court of Chancery," and "Account of Securities purchased with surplus Interest arising from Securities carried to an Account of Monies placed out for the Benefit and better Security of the Suitors in the High Court of Chancery," beyond what shall be sufficient to answer the Purposes of this and the several other Acts relating to such Securities, and also the Interest produced from the Securities purchased with such surplus Interest and annual Produce, shall from Time to Time be placed out in the Purchase of Government or Parliamentary Securities in the Name of the Accountant General of the said Court, and placed to the Credit of the said Account intituled "Account of Securities purchased with surplus Interest arising from Securities carried to an Account of Monies placed out for the Benefit and better Security of the Suitors of the High Court of Chancery."

Power to invest surplus Interest Fund.

LX. And be it enacted, That if at any Time hereafter the Whole or any Part of the Monies placed out to the Two several Accounts intituled "Account of Monies placed out for the Benefit and better Security of the Suitors of the High Court of Chancery," and "Account of Securities purchased with surplus Interest arising from Securities carried to an Account of Monies placed out for the Benefit and better Security of the Suitors of the High Court of Chancery," or to be placed out in pursuance of this Act, shall be wanted to answer any of the Demands of the Suitors of the said Court of Chancery, then and in such Case the said Court may and shall direct the Whole or any Part of such Monies to be called in, and the Securities in which the same, and the surplus Interest and Dividends herein-before mentioned, shall be placed, to be sold and disposed of, in order

Money placed out, if required to answer Demands of Suitors, to be called in.

that the Suitors of the said Court may at all Times be paid their respective Demands out of the common and general Cash belonging to such Suitors.

Accountant General of Court of Chancery to pay over One hundred and fifty Pounds yearly to Suitors Fund.

LXI. ' And whereas the average annual Amount of Brokerages received by the Accountant General of the Court of Exchequer for his own Benefit amounts to the Sum of One hundred and fifty Pounds;' be it enacted, That the Accountant General of the High Court of Chancery shall, on or before the First Day of *September* in every Year, pay into the Bank, to be there placed to his Credit as such Accountant General to an Account intituled " An Account of Interest arising from Securities carried to an Account of Money placed out for the Benefit and better Security of the Suitors of the High Court of Chancery," the Sum of One hundred and fifty Pounds, the first of such Payments to be made on or before the First Day of *September* One thousand eight hundred and forty-two; and such Sum, when so paid in, shall be in all respects deemed to be Part of such Fund, and shall be applied accordingly.

Power to change Securities.

LXII. And be it enacted, That it shall be lawful for the Lord Chancellor, by any Order or Orders of the said Court of Chancery to authorize the Change of any Security or Securities, or of any Part of the Securities, to be purchased in pursuance of this Act.

Accountant General to make certain Returns.

LXIII. And be it enacted, That the Accountant General for the Time being of the High Court of Chancery shall annually cause to be laid on the Table of the House of Commons a Return showing the State of the several Funds in his Name, called " The Suitors Fund," and " The Suitors Fee Fund," and the Charges upon the same Funds respectively.

Interpretation Clause.

LXIV. And be it declared and enacted, That in the Construction of this Act the Expression " Her Majesty " shall mean also and include the Heirs and Successors of Her Majesty; and the Expression " Lord Chancellor " shall mean also and include the Lord Chancellor, Lord Keeper and Lords Commissioners for the Custody of the Great Seal of the United Kingdom for the Time being.

Meaning of Term " Barrister-at-Law " and " Barrister."

LXV. And be it enacted and declared, That in the Construction of this Act, and of every other Act heretofore passed relating to the Nomination or Appointment to any Office or Employment, the Expression " Barrister-at-Law " or " Barrister " shall mean a Barrister-at-Law called to the Bar either in *England* or *Ireland*, except where it is otherwise expressly provided.

Act may be altered:

LXVI. And be it enacted, That this Act may be amended or repealed by any Act to be passed during the present Session of Parliament.

SCHEDULES.

The FIRST SCHEDULE referred to by the foregoing Act.

VICTORIA, by the Grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith, to the Sheriffs of London, greeting: We command you that you omit not,

not, by reason of any Liberty, but that you enter the same and distrain the Governor and Company of the Bank of England by all their Lands and Chattels in your Bailiwick, so that they, or any of them, do not intermeddle therewith until We otherwise command you; and that you answer Us the Issues of the said Lands, so that they do appear before Us in Our High Court of Chancery on the _____ Day of _____ to answer a certain Bill of Complaint lately exhibited against them and other Defendants before Us in Our said Court of Chancery by Complainant; and further, to do and receive what Our said Court shall then and there order in the Premises, and that you then leave there this Writ. Witness Ourself at Westminster the _____ Day of _____ in the _____ Year of Our Reign.

DEVON.

The SECOND SCHEDULE referred to by the foregoing Act.

	Cash.		
	£	s.	d.
The King v. Anthill - - - -	225	0	0
Ambler, the Creditors of Ogle and Ambler's Account - - - -	369	13	1
Ashton - - - -	10	18	9
Butler, Samuel - - - -	5	0	0
Bennett - - - -	15	0	0
George Bennett - - - -	20	0	0
Delamotte - - - -	1,065	17	10
Faithfull - - - -	5	0	0
Guy - - - -	10	0	0
Harrison - - - -	17	9	4
M ^c George - - - -	71	15	9
Mew the younger - - - -	5	0	0
Okey - - - -	23	14	0
Roper, the Creditors of Ogle, Ro- per, and Throp's Account - -	28	14	6
Charles Snow - - - -	92	18	0
Taylor - - - -	65	0	0
Turner - - - -	132	12	1
Weir - - - -	200	0	0
Kent - - - -	10	0	0
Whitworth - - - -	56	17	0
Norham Land Tax - - - -	17	9	8
The Queen v. Lane - - - -	1,602	0	0
Holt - - - -	710	0	0

The THIRD SCHEDULE referred to by the foregoing Act.

	Salary.
	£
The First Registrar - - -	2,000 per Annum.
The Second, Third, and Fourth Registrars - - -	1,800 per Annum each.
The Fifth, Sixth, Seventh, and Eighth Registrars - - -	1,500 per Annum each.
The Ninth and Tenth Registrars -	1,250 per Annum each.
The First and Second Clerks to the Registrars - - -	800 per Annum each.
The Third, Fourth, Fifth, and Sixth Clerks to the Registrars - -	600 per Annum each.
The Seventh, Eighth, Ninth, and Tenth Clerks to the Registrars -	400 per Annum each.
The Eleventh and Twelfth Clerks to the Registrars, and any additional Clerks to the Registrars to be appointed under this Act - -	300 per Annum each.
The Chief Clerk to the Master in Ordinary in Chancery appointed under this Act - - -	1,000 per Annum.
The Junior Clerk of such Master -	150 per Annum.

CAP. VI.

An Act to amend an Act made in the Twenty-sixth Year of the Reign of His Majesty King *George* the Third, intituled *An Act to empower the Archbishop of Canterbury or the Archbishop of York for the Time being to consecrate to the Office of a Bishop Persons being Subjects or Citizens of Countries out of His Majesty's Dominions.* [5th October 1841.]

26 G. 3. c. 84. **W**HEREAS in and by an Act passed in the Twenty-sixth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to empower the Archbishop of Canterbury or the Archbishop of York for the Time being to consecrate to the Office of a Bishop Persons being Subjects or Citizens of Countries out of His Majesty's Dominions*, after reciting that “there are divers Persons, Subjects or Citizens of Countries out of His Majesty's Dominions, and inhabiting and residing within the said Countries, who profess the public Worship of Almighty God according to the Principles of the Church of *England*, and who, in order to provide a regular Succession of Ministers for the Service of their Church, are desirous of having certain of the Subjects or Citizens of those Countries consecrated Bishops according to the Form of Consecration

of

‘ of the Church of *England*,” it is amongst other things enacted, that from and after the passing of the said Act it should and might be lawful to and for the Archbishop of *Canterbury* or for the Archbishop of *York* for the Time being, together with such other Bishops as they should call to their Assistance, to consecrate Persons being Subjects or Citizens of Countries out of His Majesty’s Dominions Bishops for the Purposes in the said Act mentioned, without the King’s Licence for their Election, or the Royal Mandate under the Great Seal for their Confirmation and Consecration, and without requiring them to take the Oaths of Allegiance and Supremacy, and the Oath of due Obedience to the Archbishop for the Time being : And whereas it is expedient to enlarge the Powers given by the said Act;’ be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall and may be lawful to and for the Archbishop of *Canterbury* or the Archbishop of *York* for the Time being, together with such other Bishops as they shall call to their Assistance, to consecrate *British* Subjects, or the Subjects or Citizens of any Foreign Kingdom or State, to be Bishops in any Foreign Country, whether such Foreign Subjects or Citizens be or be not Subjects or Citizens of the Country in which they are to act, and without the Queen’s Licence for their Election, or the Royal Mandate under the Great Seal for their Confirmation and Consecration, and without requiring such of them as may be Subjects or Citizens of any Foreign Kingdom or State to take the Oaths of Allegiance and Supremacy, and the Oath of due Obedience to the Archbishop for the Time being.

Archbishops of *Canterbury* and *York* may consecrate *British* Subjects or Foreigners to be Bishops in Foreign Countries, without the Royal Licence for Election, &c.

II. And be it further enacted, That such Bishop or Bishops so consecrated may exercise, within such Limits as may from Time to Time be assigned for that Purpose in such Foreign Countries by Her Majesty, Spiritual Jurisdiction over the Ministers of *British* Congregations of the United Church of *England* and *Ireland*, and over such other Protestant Congregations as may be desirous of placing themselves under his or their Authority.

Spiritual Jurisdiction of such Bishops.

III. Provided always, That no Person shall be consecrated a Bishop in the Manner herein provided until the Archbishop of *Canterbury* or the Archbishop of *York* for the Time being shall have first applied for and shall have obtained Her Majesty’s Licence, by Warrant under Her Royal Signet and Sign Manual, authorizing and empowering him to perform such Consecration, and expressing the Name of the Person so to be consecrated, nor until the said Archbishop has been fully ascertained of the Sufficiency of such Person in good Learning, of the Soundness of his Faith, and of the Purity of his Manners.

Archbishops to obtain Her Majesty’s Licence for Consecration, and to ascertain the Fitness of Persons to be consecrated.

IV. Provided always, and be it hereby declared, That no Person consecrated to the Office of a Bishop in the Manner aforesaid, nor any Person deriving his Consecration from or under any Bishop so consecrated, nor any Person admitted to the

Such Bishops, and the Persons consecrated or ordained by them, not to act within *England*

or Ireland,
otherwise than
according to
3 & 4 Vict. c. 33.

the Order of Deacon or Priest by any Bishop or Bishops so consecrated, or by the Successor or Successors of any Bishop or Bishops so consecrated, shall be thereby enabled to exercise his Office within Her Majesty's Dominions in *England or Ireland*, otherwise than according to the Provisions of an Act of the Third and Fourth Years of Her present Majesty, intituled *An Act to make certain Provisions and Regulations in respect to the Exercise within England and Ireland of their Office by the Bishops and Clergy of the Protestant Episcopal Church in Scotland; and also to extend such Provisions and Regulations to the Bishops and Clergy of the Protestant Episcopal Church in the United States of America; and also to make further Regulations in respect to Bishops and Clergy other than those of the United Church of England and Ireland.*

Archbishop to
give a Certifi-
cate of Con-
secration.

V. Provided always, and be it further enacted, That the Archbishop who so consecrates shall give to the Person consecrated a Certificate under his Hand and Seal, containing the Name of the Country whereof he is a Subject or Citizen, and the Name of the Church in which he is appointed Bishop; and in case of such Person being the Subject or Citizen of any Foreign Kingdom or State, then such Certificate shall further mention, that he has not taken the said Oaths, he being exempted by virtue of this Act from taking them.

Act may be
amended this
Session.

VI. Provided always, and be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

CAP. VII.

An Act to continue until the Thirty-first Day of *July* One thousand eight hundred and forty-two such Laws as may expire within a limited Period.

[5th October 1841.]

‘ WHEREAS there are divers Laws and Enactments which
‘ have lately expired, or will expire at the End of this
‘ Session of Parliament, or on some specified Day before the
‘ First Day of *January* One thousand eight hundred and forty-
‘ two, and there may not be sufficient Time during the present
‘ Session of Parliament for a particular Examination and due
‘ Consideration how far any of the said Laws may be fit to be
‘ further continued;’ be it therefore enacted by the Queen’s
most Excellent Majesty, by and with the Advice and Consent
of the Lords Spiritual and Temporal, and Commons, in this
present Parliament assembled, and by the Authority of the
same, That all the Laws and Enactments in force on the
Twenty-third Day of *June* One thousand eight hundred and
forty-one, and for the Continuance of which no particular Pro-
vision has been made by any Act passed during the present
Session of Parliament, and which would expire at the End of
this Session of Parliament, or before the First Day of *January*
One thousand eight hundred and forty-two, shall be and con-
tinue in full Force, to all Intents and Purposes, until the Thirty-

Laws expiring
at the End of
this Session, or
on or before
the 1st Jan.
1842, continued
till the 31st July
1842.

first Day of *July* One thousand eight hundred and forty-two, and such of the said Laws or Enactments which may have expired shall be revived and shall continue in force to all Intents and Purposes until the said Thirty-first Day of *July* One thousand eight hundred and forty-two, any thing contained in the said Laws to the contrary thereof in anywise notwithstanding.

II. 'And whereas by an Act passed in the Seventh Year of the Reign of His late Majesty, intituled *An Act for the Commutation of Tithes in England and Wales*, it was among other things enacted, that no Commissioner or Assistant Commissioner, Secretary, Assistant Secretary, or other Officer or Person appointed under the said Act, should hold his Office for a longer Period than Five Years next after the Day of the passing of the said Act, and thenceforth until the End of the then next Session of Parliament; and that after the Expiration of the said Period of Five Years, and of the then next Session of Parliament, so much of the said Act as authorizes any such Appointment should cease: And whereas it is expedient that the said Commission should be further continued; be it enacted, That so much of the last-recited Act as is hereinbefore recited shall be repealed; and that no Commissioner or Assistant Commissioner, Secretary, Assistant Secretary, or other Officer or Person so to be appointed, shall hold his Office for a longer Period than until the Thirty-first Day of *July* One thousand eight hundred and forty-two; and after the said Thirty-first Day of *July* so much of the last-recited Act as authorizes any such Appointment shall cease.

Commissioners appointed under 6 & 7 W. 4. c. 71. to continue in Office only until the 31st July 1842.

586 No 54

CAP. VIII.

An Act for funding Exchequer Bills, and for making Provision for the Service of the Year One thousand eight hundred and forty-one. [7th *October* 1841.]

586 No 1

'Most Gracious Sovereign,
'**WE**, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of *Great Britain* and *Ireland* in Parliament assembled, being desirous of making Provision to satisfy the Principal Sums contained in certain Exchequer Bills, to the Amount of Five Millions, and to raise the necessary Supplies which we have cheerfully granted to Your Majesty in this Session of Parliament, have resolved that the Persons who have engaged to subscribe towards funding the Sum of Five Millions in Exchequer Bills should be entitled, in respect of the Principal Sums contained therein, to such Capital Stock in Annuities as is herein-after mentioned, subject to the Provisions of this Act.' We, Your Majesty's most faithful Commons, do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the several Persons, their Executors, Administrators, and As-

Terms for funding.

signs,

signs, who on or before the Twenty-seventh Day of *September* One thousand eight hundred and forty-one caused their Names to be inscribed in a Book opened at the Bank of *England* for the Purpose of funding Exchequer Bills charged on Aids or Supplies dated in *March* and *June* One thousand eight hundred and forty-one, or in any antecedent Month, provided the same have not been advertised to be paid off, and who deposited Twenty Pounds *per Centum* on the Amount of the Exchequer Bills which they subscribed, shall, upon the Completion of the Amount subscribed by them in manner and at the Times required by this Act, be entitled, for every One hundred Pounds Principal Money contained in the Exchequer Bills so subscribed, to the Sum of One hundred and twelve Pounds Two Shillings Consolidated Annuities at the Rate of Three Pounds *per Centum per Annum*, to commence from the Fifth Day of *July* One thousand eight hundred and forty-one, which said Annuities shall be paid and payable at the Bank of *England* at the Times and in the Manner herein mentioned.

Future Instalments.

II. And be it enacted, That the said several Subscribers shall deposit the future Instalments of Exchequer Bills with the Governor and Company of the Bank of *England* on or before the Days and Times herein-after mentioned; (that is to say,) Twenty Pounds *per Centum* on or before the Eighth Day of *November* next, Twenty Pounds *per Centum* on or before the Twentieth Day of *December* next, Twenty Pounds *per Centum* on or before the Thirty-first Day of *January* One thousand eight hundred and forty-two, and Twenty Pounds *per Centum* on or before the Fourteenth Day of *March* One thousand eight hundred and forty-two: Provided always, that no Exchequer Bills shall be deposited under this Act which have been advertised to be paid off, and the Interest whereon shall have previously ceased.

Interest on Exchequer Bills.

III. And be it enacted, That every such Subscriber shall be entitled to receive Interest, at the Office of the Paymasters of Exchequer Bills, upon all Exchequer Bills deposited by them respectively at the Bank of *England* in pursuance of this Act, in manner following; (that is to say,) upon the Amount of the Exchequer Bills deposited, for the First Instalment, every such Subscriber shall be allowed Interest from the Day of the Date of such Bills so deposited up to the Twenty-seventh Day of *September* One thousand eight hundred and forty-one; and for the Amount of such Exchequer Bills which shall be so deposited by any such Subscriber, for the Second and every subsequent Instalment, according to the Directions of this Act, every such Subscriber shall be allowed Interest from the Day of the Date of such Bills so deposited up to the several Days upon which such Instalments respectively became due; and whenever such Payment shall be made in Money as after mentioned, every such Subscriber shall be entitled to and be allowed, by the said Governor and Company of the Bank of *England*, Interest at the Rate of Two-pence Farthing *per Centum per Diem* upon such Money so paid from the Twenty-seventh Day of *September* One thousand eight hundred and forty-one to the Date of such Instalment.

IV. Pro-

IV. Provided always, and be it enacted, That it shall be lawful for any Subscriber to the said Sum of Five Millions, instead of depositing Exchequer Bills at the Bank of *England* in manner aforesaid, to pay to the Cashier or Cashiers of the Governor and Company of the Bank of *England* (who is and are hereby appointed Receiver or Receivers thereof, without any other Warrant to be made in that Behalf,) any Sum or Sums of Money in lieu of such Exchequer Bills, not exceeding One Half of such Subscription, upon paying an Addition of Twelve Shillings *per Centum* upon the Amount which such Subscriber may so pay in Money; and every Subscriber so paying Money instead of Exchequer Bills shall, for every One hundred Pounds Twelve Shillings Principal Money so paid, be entitled to the Sum of One hundred and twelve Pounds Two Shillings Consolidated Annuities, at the Rate of Three Pounds *per Centum per Annum*, to commence and be payable as herein mentioned.

Subscribers may pay Money instead of Exchequer Bills, paying 12s. per Cent. on the Money paid.

V. And be it enacted, That it shall be lawful for any Subscriber to deposit Exchequer Bills, or to pay the several Instalments of their Subscriptions in Money, in advance; and in such Case, whenever Exchequer Bills shall be so deposited in advance, such Subscriber shall be entitled to and shall receive, at the Office of the Paymasters of Exchequer Bills, the Interest due on such Exchequer Bills, from the Day of the Date thereof up to the Day when the several Instalments respectively would have become due if such Deposit had not been made in advance; and whenever any such Payment in advance shall be made in Money, such Subscriber shall be entitled to, and shall receive or be allowed by the said Governor and Company of the Bank of *England*, Interest at the Rate of Two-pence Farthing *per Centum per Diem* upon such Money so paid in advance, from the Day when such Payment in advance shall be made up to the Day when the Instalment in respect of which such Payment in advance shall be made would have become due if such Payment had not been made in advance.

Interest to be allowed on Payments made in advance.

VI. And be it enacted, That it shall be lawful for any Guardian or Trustee to subscribe for or towards advancing any Sum under the Provisions of this Act, and such Infant, upon the Deposit of the Amount subscribed by such Guardian or Trustee, shall become a Subscriber within the Meaning of this Act, and be entitled to have and receive the Annuities, Advantages, and Payments in respect thereof, in such and the like Manner as any other Subscriber; and the said Guardian and Trustee, as to the said Sum or Sums so subscribed, is hereby discharged, so as the Name of such Infant be expressed in the Receipt or Receipts for such Exchequer Bills or Money.

Guardians, &c. may subscribe Bills.

VII. And be it enacted, That every Person, and Body Politic and Corporate, who shall have deposited or shall deposit any such Exchequer Bill or Bills as aforesaid, or shall have paid or shall pay Money in lieu of such Exchequer Bills, shall, for every Sum of One hundred Pounds contained in such Exchequer Bills, or for every One hundred Pounds Twelve Shillings paid in

Interest on Stock.

in Money, and so in proportion for any greater Sum, have and be entitled to the Capital Stock in Annuities herein-before mentioned; and the Interest or Dividends thereon shall be payable half-yearly at the Bank of *England* on the Fifth Day of *January* and the Fifth Day of *July* in every Year, the first Payment to become due on the Fifth Day of *January* One thousand eight hundred and forty-two; and every Person and Corporation entitled to any such Annuity or Annuities aforesaid, and his Executors, Administrators, Successors, and Assigns respectively, and every Person and Corporation lawfully claiming under him, shall have good, sure, absolute, and indefeasible Estates and Interests in the said Annuities, according to the true Tenor and Meaning of this Act, until the Redemption thereof in the Manner herein directed, and shall be possessed thereof as of a Personal Estate, which shall not be descendible to Heirs, nor liable to any Foreign Attachment by the Custom of *London* or otherwise; any Law, Custom, or Usage to the contrary notwithstanding.

Stock to be placed to Credit of Subscribers in Books at Bank of *England*.

VIII. And be it enacted, That as soon as any Subscriber, his Executors, Administrators, Successors, or Assigns, shall have deposited at the Bank of *England* Exchequer Bills, or shall have paid Money in lieu thereof, to the full Amount of the Sums subscribed by him, the Principal Sum in Consolidated Three Pounds *per Centum* Annuities to which such Subscriber is entitled under the Provisions of this Act shall forthwith be entered in the Books of the Bank of *England*, and placed to the Credit of such Subscriber, his Executors, Administrators, Successors, and Assigns, completing such Deposits or Payments; and the Person to whose Credit such Principal Sums shall be so placed, his Executors, Administrators, Successors, and Assigns, shall and may have Power to assign and transfer the same, or any Part, Share, or Proportion thereof, to any other Person or Persons, Body or Bodies Politic or Corporate whatsoever, in the Books of the Bank of *England*; and the said Governor and Company of the Bank of *England* are hereby required, as soon as conveniently may be after the passing of this Act, to prepare proper Books for the Purpose of entering the Names of all such Subscribers, and of placing to their Credit the Principal Sums so deposited in Exchequer Bills or paid in Money by them respectively; and such of the said Subscribers, their Executors, Administrators, Successors, or Assigns, who shall complete the Deposits or Payments of such Parts of the whole Amount subscribed by them respectively towards the said Sum of Five Millions at any Time before the Governor and Company of the Bank of *England* shall have prepared their Receipts according to the Directions of this Act, shall be entitled to have the Amount so deposited or paid forthwith placed to their Credit in the Books of the Bank of *England*; and the said Governor and Company are hereby required to cause such Sums to be forthwith placed to the Credit of the Persons entitled to the Annuities in respect thereof in the Books of the Bank of *England*, and such Entries in the said Books shall be in lieu of the Receipts hereby

hereby directed to be given for all Sums deposited or paid in manner aforesaid; and such Sums shall carry the Annuities after the Rate of Three Pounds *per Centum*, redeemable by Parliament, and shall respectively be taken and deemed to be Stock transferrable according to the true Intent and Meaning of this Act.

IX. And be it enacted, That every such Subscriber, his Executors, Administrators, Successors, and Assigns, who shall have deposited with or paid to the Governor and Company of the Bank of *England* the whole of his Subscription on or before the Second Day of *January* One thousand eight hundred and forty-two, at the Bank of *England*, shall be entitled to receive on the Fifth Day of *January* One thousand eight hundred and forty-two the Half Year's Dividend on the said Annuities that shall become due on the said Fifth Day of *January* One thousand eight hundred and forty-two; and every Person who shall not have completed the whole of his Payments on or before the said Second Day of *January* One thousand eight hundred and forty-two shall, on-completing the same within the Time in this Act prescribed, be entitled to receive on the Fifth Day of *July* One thousand eight hundred and forty-two, the Year's Dividend on the said Annuities, from the Fifth Day of *July* One thousand eight hundred and forty-one, according to the true Intent and Meaning of this Act.

First Payment of Interest when to be payable.

X. And be it enacted, That all the Dividends and Interest on the Annuities which shall become payable under this Act shall be charged and chargeable upon, and are hereby charged upon and made payable out of, the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*; and so much Money shall from Time to Time be set apart and issued at the Receipt of the Exchequer in *Great Britain* out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, to the said Cashier or Cashiers of the Governor and Company of the Bank of *England*, as shall be sufficient to satisfy and pay the Dividends and Interest on the Annuities to be created under this Act, with the Charges attending the same.

Annuities charged on Consolidated Fund.

XI. And for the more easy and sure Payment of the Annuities established by this Act, be it enacted, That the said Governor and Company of the Bank of *England*, and their Successors, shall from Time to Time, until all the said Annuities shall be redeemed or shall cease, appoint and employ One or more sufficient Person or Persons within their Office in the City of *London* to be their Chief or First Cashier or Cashiers, and One other sufficient Person within the same Office to be their Accountant General; and so much of the Monies by this Act appropriated for the Purpose as shall be sufficient from Time to Time to answer the said Dividends and other Payments herein directed to be made out of the said Consolidated Fund shall, by Order of the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, or the Lord High Treasurer of the United Kingdom of *Great Britain* and *Ireland*, for the Time being, without any further Warrant to be

Payment of Dividends.

sued

sued for, had, or obtained in that Behalf, from Time to Time, at the respective Days of Payment in this Act appointed for Payment thereof, be issued and paid, at the Receipt of the Exchequer at *Westminster*, to the First or Chief Cashier or Cashiers of the said Governor and Company of the Bank of *England*, and their Successors for the Time being, by way of Imprest and upon Account, for the Payment of the Dividends respectively payable by virtue of this Act; and such Cashier or Cashiers to whom the said Money shall from Time to Time be issued shall from Time to Time, without Delay, pay the same accordingly, and render his or their Accounts thereof according to the due Course of the Exchequer; and the said Accountant General for the Time being shall from Time to Time inspect and examine all Receipts and Payments of the said Cashier or Cashiers, and the Vouchers relating thereto, in order to prevent any Fraud, Negligence, or Delay.

Receipts to be assignable.

XII. And be it enacted, That the Cashier or Cashiers of the Governor and Company of the Bank of *England* who shall have received or shall receive any Part of the said Subscription towards the said Sum of Five Millions, shall give a Receipt or Receipts in Writing to every such Subscriber for the Principal Money comprised in the Exchequer Bills deposited by him, or for the Sum of Money paid in lieu thereof, and the Receipt so to be given shall be assignable at any Time before the Second Day of *January* One thousand eight hundred and forty-two, and no longer, and shall from Time to Time deliver to the Paymasters of Exchequer Bills all the Exchequer Bills which shall be so deposited as soon as he or they shall receive the same or any Part thereof, or within Five Days afterwards at the furthest, and shall account for the same in the said Exchequer according to the due Course thereof.

Subscribers Names to be entered in a Book at Bank of England.

XIII. And be it enacted, That in the Office of the Accountant General of the Governor and Company of the Bank of *England* for the Time being a Book or Books shall be provided and kept, in which the Names of the Subscribers shall be fairly entered, which Book or Books the said respective Subscribers, their respective Executors, Administrators, Successors, or Assigns, shall and may from Time to Time and at all seasonable Times resort to and inspect, without any Fee or Charge; and the said Accountant General shall, on or before the Fifth Day of *July* One thousand eight hundred and forty-two, transmit an attested Duplicate, fairly written on Paper, of the said Book or Books, into the Office of the Comptroller General of the Receipt and Issue of Her Majesty's Exchequer at *Westminster*, there to remain for ever.

Subscribers duly paying in Sum subscribed to be entitled to Annuities hereby granted.

XIV. And be it enacted, That such Subscribers duly depositing or paying in the whole Sum so subscribed at or before the respective Times in this Act limited in that Behalf, and their respective Executors, Administrators, Successors, and Assigns, shall have, receive, and enjoy, and be entitled by virtue of this Act to have, receive, and enjoy, the said Annuities by this Act granted in respect of the Sum so subscribed, and shall have

have good and sure Interests and Estates therein, according to the several Provisions in this Act contained; and the said Annuities shall be free from all Taxes, Charges, and Impositions whatsoever: Provided always, that in case any such Subscribers who have already deposited with or shall hereafter deposit or pay to the said Cashier or Cashiers any Exchequer Bills, or any Sum of Money in lieu thereof, at the Time and in manner herein-before mentioned, in part of the Sum or Sums so by them respectively subscribed, or their respective Executors, Administrators, Successors, or Assigns, shall not advance and deposit and pay to the said Cashier or Cashiers the Residue of the Sum or Sums so subscribed, at the Times and in the Manner before mentioned, then and in every such Case so much of the respective Sum or Sums so subscribed as shall have been actually deposited or paid in part thereof to the said Cashier or Cashiers shall be forfeited for the Benefit of the Public, and all Right and Title to the said Consolidated Three Pounds *per Centum* Annuities in respect thereof shall be extinguished, any thing in this Act contained to the contrary thereof in anywise notwithstanding.

Subscribers not paying up Sums subscribed, their Deposits to be forfeited.

XV. And be it enacted, That all the Consolidated Three Pounds *per Centum* Annuities created by virtue of this Act shall be deemed and taken to be, and shall from Time to Time be added to and shall form Part of, the Capital of the Consolidated Three Pounds *per Centum* Annuities transferrable at the Bank of *England*; and all and every Person and Persons, Bodies Politic or Corporate whatsoever, shall have and be deemed to have a proportional Interest and Share in the said Stock, and in the Annuity attending the same at the Rate aforesaid; and the whole Capital or Joint Stock, or any Share or Interest therein, and the proportionable Annuity attending the same, shall be assignable and transferrable as this Act directs, and not otherwise.

Consols to be One Capital Stock.

XVI. And be it enacted, That Books shall be constantly kept by the said Accountant General for the Time being, wherein all Assignments or Transfers of all Sums advanced or contributed under this Act shall be entered and registered, which Entry shall be conceived in proper Words for that Purpose, and shall be signed by the Parties making such Assignments or Transfers, or, if such Parties be absent, by their respective Attorney or Attornies thereunto lawfully authorized in Writing under his or their Hand and Seal or Hands and Seals, to be attested by Two or more credible Witnesses; and the several Persons to whom such Transfers shall be made may respectively underwrite their Acceptance thereof; and no other Method of assigning and transferring the said Annuities, or any Part thereof, or any Interest therein, shall be good or available in Law: Provided always, that all Persons possessed of any Share or Interest in the said Annuities, or any Estate or Interest therein, may devise the same by Will in Writing, attested by Two or more credible Witnesses, but no Payment shall be made upon any such Devise until so much of the said

Books for Transfers.

Will as relates to such Share, Estate; or Interest in the said Annuities shall be entered in the Books of the said Office; and in default of such Transfer or Devise such Share, Estate, or Interest in the said Annuities shall go to the Executors, Administrators, Successors, and Assigns; and no Stamp Duties whatsoever shall be charged on any of the said Transfers; any Law or Statute to the contrary notwithstanding.

Bills to be cancelled.

XVII. And be it enacted, That all the Exchequer Bills so deposited or to be deposited according to the Directions of this Act with the Governor and Company of the Bank of *England* shall be from Time to Time transmitted by the said Governor and Company, and delivered over to the Paymasters of Exchequer Bills, to be cancelled, and the Receipt for such Exchequer Bills, signed by the said Paymasters, shall be a sufficient Acquittance to the said Cashier or Cashiers in accounting for the Exchequer Bills to be received by them in pursuance of this Act; and the said Paymasters of Exchequer Bills are hereby authorized and required, upon Receipt of any such Bill, to mark and cancel the same, and to pay the Interest thereupon according to the Provisions of this Act.

Cashier of Bank to pay Monies into Exchequer.

XVIII. And be it enacted, That the Cashier or Cashiers of the Governor and Company of the Bank of *England* shall from Time to Time, as the same may be received, duly account for, and pay over to the Receipt of Her Majesty's Exchequer, all the Monies which he shall have already received or shall hereafter receive in pursuance of this Act, within Five Days at the farthest after he shall have received the same, and shall account for the same in the Exchequer, according to the due Course thereof, deducting thereout such Sums as shall have been paid by him or them in pursuance of this Act, for which Sums so paid Allowance shall be made in his or their Account.

Bank to certify Amount of Bills funded and of Stock created.

XIX. And be it enacted, That the Accountant General of the Governor and Company of the Bank of *England* shall certify to the Commissioners for the Reduction of the National Debt the Amount of all Exchequer Bills subscribed to be funded, and all Sums of Money subscribed to be paid, under the Provisions of this Act, and also the Amount of the Consolidated Three Pounds *per Centum* Annuities which shall be created by virtue of this Act.

Payment for incident Charges and to Bank for Services performed.

XX. And be it enacted, That the said Commissioners of Her Majesty's Treasury, or the said Lord High Treasurer, for the Time being, shall have Power, out of the said Consolidated Fund, to discharge all such incident Charges as shall necessarily attend the Execution of this Act, in such Manner as to them shall seem just and reasonable, and also to make an Allowance for the Service, Pains, and Labour of the said Cashier or Cashiers employed in receiving, paying, and accounting for the said Annuities, and also for the Service, Pains, and Labour of the said Accountant General for performing the Trusts reposed in him by this Act, which Allowance in respect of the Service, Pains, and Labour of the said Cashier or Cashiers and Accountant General of the said Governor and Company shall be

for

for the Use of the said Governor and Company, and at their Disposal only.

XXI. And be it enacted, That it shall be lawful for the said Commissioners of Her Majesty's Treasury to issue and apply from Time to Time all such Sums of Money as may be so subscribed and paid into the Receipt of Her Majesty's Exchequer by virtue of this Act to such Services as shall have been granted in this Session of Parliament.

Appropriation of Money Payments.

XXII. ' And whereas the Services which have been granted ' in this Session of Parliament, and the Interest which it is ' estimated will become payable on Exchequer Bills charged on ' the Aids or Supplies of the present Year, amount together to ' the Sum of Two millions four hundred and sixty-seven thousand four hundred and thirty-two Pounds;' be it enacted, That, in order to provide for the Payment of the said Services and Interest, it shall be lawful for the Commissioners of Her Majesty's Treasury, and they are hereby authorized, from Time to Time to direct the Issue of Exchequer Bills, or the Creation of Consolidated Annuities, at the Rate of Three Pounds *per Centum per Annum*, as the said Commissioners of Her Majesty's Treasury shall think fit: Provided always, that it shall not be lawful for the said Commissioners of Her Majesty's Treasury to raise a greater Sum, by the Issue of Exchequer Bills, or by the Creation of Consolidated Three Pounds *per Centum* Annuities as aforesaid, than may be sufficient to complete the Difference between the Monies so subscribed and paid into the Receipt of the Exchequer as aforesaid, and the Sum necessary to discharge the said Services and Interest.

Exchequer Bills may be issued or Stock created to pay Supplies and Interest of Bills.

XXIII. And be it enacted, That any Exchequer Bills which may be issued by virtue of this Act shall be made out at the Receipt of the Exchequer, in such and the like Manner, and under the like Rules and Directions, as if the same had been authorized to be made out by an Act passed in this present Session of Parliament for raising the Sum of Ten millions six hundred and twenty-six thousand three hundred and fifty Pounds by Exchequer Bills; and all the Clauses, Provisions, Powers, Privileges, Advantages, Penalties, Forfeitures, and Disabilities contained in an Act passed in the Forty-eighth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for regulating the issuing and paying off of Exchequer Bills*, and also in the said Act passed in this Session of Parliament, shall be applied and extended to the Exchequer Bills which may be made forth by virtue of this Act, as fully and effectually as if the same had been repeated and re-enacted in this Act; and it shall be lawful for the said Governor and Company of the Bank of *England* to advance or lend to Her Majesty any Sum or Sums of Money upon the Credit of the Exchequer Bills to be made out in pursuance of this Act; any thing in any Act or Acts to the contrary notwithstanding.

Issue of Exchequer Bills to be as if included in Act of this Session.

48 G. 3. c. 1.

XXIV. And be it enacted, That it shall be lawful for the said Commissioners of Her Majesty's Treasury, and they are hereby authorized, by Warrant under their Hands, from Time

Stock created.

to Time to order and direct the Governor and Company of the Bank of *England* to direct their Accountant General or Deputy Accountant to enter and place to the Credit of the Commissioners for the Reduction of the National Debt any Amount of Consolidated Annuities at the Rate of Three Pounds *per Centum per Annum*, not exceeding the Sum authorized to be created by this Act for the Purposes aforesaid, the first half-yearly Payment of the Dividends whereof shall commence from the Day on which the last half-yearly Dividends were due and payable on the said Consolidated Three Pounds *per Centum* Annuities; and the said Commissioners for the Reduction of the National Debt shall, upon receiving Directions to that Effect from the said Commissioners of Her Majesty's Treasury, sell or dispose of the Whole or any Part of the said Consolidated Three Pounds *per Centum* Annuities so authorized to be created by this Act, and the Monies arising from such Sale or Disposal shall be paid into the Receipt of Her Majesty's Exchequer, to be applied to such Services as shall have been granted in this Session of Parliament.

Three Commissioners of the Treasury may act.

XXV. And be it enacted, That all Matters and Things hereby authorized or required to be done by the Commissioners of Her Majesty's Treasury may be done by any Three or more of the said Commissioners.

Punishment for Forgery of Receipts, &c.

XXVI. And be it enacted, That if any Person or Persons shall forge or counterfeit, or cause or procure to be forged or counterfeited, or shall willingly act or assist in the forging or counterfeiting, any Receipt or Receipts for the Whole or any Part or Parts of the said Subscription towards the said Sum of Five Millions, either with or without the Name or Names of any Person or Persons being inserted therein as the Subscriber or Subscribers thereto, or Payer or Payers thereof, or of any Part or Parts thereof, or shall alter any Number, Figure, or Word therein, or utter or publish as true any such false, forged, counterfeited, or altered Receipt or Receipts, with Intent to defraud the Governor and Company of the Bank of *England*, or any Body Politic or Corporate, or any Person or Persons whatsoever, every such Person or Persons so forging or counterfeiting, or causing or procuring to be forged or counterfeited, or willingly acting or assisting in the forging or counterfeiting, or altering, uttering, or publishing as aforesaid, being thereof convicted in due Form of Law, shall be adjudged guilty of Felony, and liable to be transported beyond the Seas for Life or for any Term not less than Seven Years, or to be imprisoned for any Term not exceeding Four Years nor less than Two Years, under the Provisions of an Act passed in the First Year of the Reign of Her present Majesty, intituled *An Act to abolish the Punishment of Death in Cases of Forgery*.

7 W. 4. & 1 Vict. c. 84.

Bank to continue a Corporation.

XXVII. And be it enacted, That the said Governor and Company of the Bank of *England*, and their Successors, notwithstanding the Redemption of all or any of their own Funds, in pursuance of the Acts for establishing the same, or any of them, shall continue a Corporation for the Purposes of this

Act

Act until the Annuities by this Act granted shall be redeemed by Parliament as aforesaid; and the said Governor and Company of the Bank of *England*, or any Member thereof, shall not incur any Disability for or by reason of their doing any Matter or Thing in pursuance of this Act.

XXVIII. And be it enacted, That no Fee, Reward, or Gratuity whatsoever shall be demanded or taken of any of Her Majesty's Subjects for receiving or paying the said Subscription in Exchequer Bills or any of them, or for any Receipt concerning the same, or for paying the said Annuities or any of them, or for any Transfer of any Sum, great or small, to be made in pursuance of this Act, upon pain that any Officer or Person offending by taking or demanding any such Fee, Reward, or Gratuity shall for every such Offence forfeit the Sum of Twenty Pounds to the Party aggrieved, with full Costs of Suit, to be recovered by Action of Debt, Bill, Complaint, or Information, in any of Her Majesty's Courts of Record at *Westminster*, wherein no Essoign, Protection, Privilege, or Wager of Law, Injunction or Order of Restraint, or any more than One Imparlanee, shall be granted or allowed.

No Fee for Payments.

XXIX. And be it enacted, That if any Person or Persons shall be sued, molested, or prosecuted for any thing done by virtue or in pursuance of this Act, such Person or Persons shall and may plead the General Issue, and give this Act and the special Matter in Evidence in his, her, or their Defence or Defences; and if afterwards a Verdict shall pass for the Defendant or Defendants, or if the Plaintiff or Plaintiffs shall discontinue his, her, or their Action or Prosecution, or be nonsuited, or Judgment shall be given against him, her, or them, upon Demurrer or otherwise, then such Defendant or Defendants shall have Treble Costs awarded to him, her, or them against any such Plaintiff or Plaintiffs.

General Issue.

CAP. IX.

An Act to provide for Payment of the Persons employed in taking Account of the Population in *England*.
[7th October 1841.]

‘ WHEREAS by an Act passed in the Fourth Year of the Reign of Her Majesty, intituled *An Act for taking an Account of the Population of Great Britain*, it is among other things provided, that the Justices of the Peace in *England*, at their respective *Michaelmas* Quarter Sessions in the Year One thousand eight hundred and forty-one, or at the Quarter Sessions following, shall allow to the several Enumerators, Registrars, and Superintendent Registrars, the Allowances to which they shall be entitled according to the Table of Allowances to be made according to the Provisions of the said Act, and shall order Payment thereof to be made out of the Poor's Rates of the several Parishes and Places, in such Proportion as to them shall seem just, which Payment shall thereafter be

3 & 4 Vict. c. 99.

‘ allowed in the Accounts of the Overseers of the Poor: And
 ‘ whereas it is expedient that other Provisions should be made
 ‘ for Payment of the said Allowances:’ Be it enacted by
 the Queen’s most Excellent Majesty, by and with the Advice
 and Consent of the Lords Spiritual and Temporal, and Com-
 mons, in this present Parliament assembled, and by the Autho-
 rity of the same, That so much of the said Act as is herein-before
 recited shall be repealed.

Repeal of Part
 of 3 & 4 Vict.
 c. 99.

Manner in
 which the Pay-
 ments shall be
 made to Persons
 employed in the
 Execution of
 3 & 4 Vict. c. 99.
 in England.

II. And be it enacted, That upon the Production of the
 Certificates mentioned in the said Act, that the Duties required
 by the said Act have been in each Case faithfully per-
 formed, the Guardians of the Poor, or, where there are no
 such Guardians, the Overseers of the Poor, in every Superin-
 tendent Registrar’s District in *England*, shall pay to such
 Superintendent Registrar, out of the Monies in their Hands as
 such Guardians or Overseers, the whole Amount of the Allow-
 ances to which the said Superintendent Registrar and the
 Registrars and Enumerators in that District are severally
 entitled, and each Superintendent Registrar shall pay over to
 the Registrars in his District the Allowances to which the
 said Registrars and Enumerators are entitled, and each Regis-
 trar shall pay over to the Enumerators in his District the
 Allowances to which they are severally entitled, according to
 the said Table; and the Receipts to be given by the Enum-
 erators, Registrars, and the Superintendent Registrars for
 Payment of their said Allowances, shall be finally delivered
 to the Guardians or Overseers, as the Case may be; and where
 the District of any Superintendent Registrar, Registrar, or
 Enumerator, contains more than One Parish or Place, or Parts
 of more than One Parish or Place, the Guardians established
 under an Act passed in the Fifth Year of the Reign of His late
 Majesty, intituled *An Act for the Amendment and better Adminis-
 tration of the Laws relating to the Poor in England and Wales*, or
 if there be no such Guardians the Superintendent Registrar,
 shall apportion the whole Sum so paid or to be paid on account
 of that District among the several Parishes and Places of which
 any Part is within such District, in such Manner as to them
 or him shall seem just; and such Apportionment shall be binding
 upon all Persons, and the Payment thereof shall be allowed in
 the Accounts of the Guardians and Overseers of the Poor of the
 said several Parishes and Places; and in every extra-parochial
 or other Place not having Overseers of the Poor the Persons
 appointed to collect the County or Borough Rates therein shall
 be deemed Overseers of the Poor within the Meaning of this
 Act, and shall pay the Amount charged to the Account of such
 Place under the Provisions of the first-recited Act and of
 this Act to the Guardians of the Union in which such Place is
 situated, or, if it be not situated in any Union, to the Super-
 intendent Registrar, out of the next Monies in their Hands
 collected for the County or Borough Rate within such Place,
 and shall be allowed such Payment in their Accounts; and if
 there be any extra-parochial Place in which no County or

Apportionment
 of Payments
 where more
 than One
 Parish in a
 District.

4 & 5 W. 4. c. 76.

As to extra-
 parochial
 Places.

Borough Rate, or Rate in the Nature of a County Rate, is collected, the Treasurer of the County, Riding, or Division, or Borough, shall pay the Amount charged to the Account of such Place out of the Monies in his Hands as such Treasurer, and shall be allowed such Payment in his Account.

III. And be it enacted, That the Guardians, Overseers, or Treasurer by whom any such Payment shall have been made shall within One Calendar Month thereafter certify to the Commissioners for taking Account of the Population the Amount of Money so paid by them or him respectively.

Guardians, &c. making Payments to certify same to Population Commissioners.

IV. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

Act may be amended.

CAP. X.

An Act to continue the Poor Law Commission until the Thirty-first Day of *July* One thousand eight hundred and forty-two. [7th *October* 1841.]

5th Dec 57

‘ **WHEREAS** by an Act passed in the Fifth Year of the Reign of His late Majesty, intituled, *An Act for the Amendment and better Administration of the Laws relating to the Poor in England and Wales*, Provisions were made for the Appointment of Poor Law Commissioners, Assistant Commissioners, Secretaries, and other Officers, and for their Continuance in Office until the End of the Session of Parliament held next after the Fourteenth Day of *August* One thousand eight hundred and thirty-nine; and by another Act passed in the Third Year of the Reign of Her present Majesty Provision was made for their further Continuance in Office until the Fourteenth Day of *August* One thousand eight hundred and forty, and thenceforth until the End of the then next Session of Parliament; and by another Act passed in the Fourth Year of the Reign of Her present Majesty Provision was made for their further Continuance in Office until the Thirty-first Day of *December* One thousand eight hundred and forty-one; and it is expedient further to continue such Provisions:’ Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That every Poor Law Commissioner appointed by His late Majesty, or appointed or to be appointed by Her Majesty the Queen, Her Heirs and Successors, and every Assistant Commissioner, Secretary, and other Officer and Person duly appointed by the Poor Law Commissioners, shall be empowered (unless he shall previously resign or be removed) to hold his Office, and exercise the Powers thereof, until the Thirty-first Day of *July* One thousand eight hundred and forty-two; and until the Expiration of the said Period it shall be lawful for Her Majesty, Her Heirs and Successors, from Time to Time, at pleasure, to remove any of the said Commissioners for the Time being, and upon every or any

4 & 5 W. 4. c. 76.

Poor Law Commissioners, &c. further continued in Office till 31st July 1842.

Vacancy in the Number of Commissioners, either by Removal, or by Death or otherwise, to appoint, by Warrant under the Royal Sign Manual, some other fit Person to the said Office, and until such Appointment it shall be lawful for the surviving or continuing Commissioner or Commissioners to act as if no such Vacancy had occurred.

Act may be amended this Session.

II. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

CAP. XI.

An Act for raising the Sum of Ten millions six hundred and twenty-six thousand three hundred and fifty Pounds by Exchequer Bills, for the Service of the Year One thousand eight hundred and forty-one, and for appropriating the Supplies granted in this Session of Parliament. [7th October 1841.]

‘ Most Gracious Sovereign,

‘ **WE**, Your Majesty’s most dutiful and loyal Subjects, the
 ‘ Commons of the United Kingdom of *Great Britain* and
 ‘ *Ireland*, in Parliament assembled, towards raising the neces-
 ‘ sary Supplies which we have cheerfully granted to Your
 ‘ Majesty in this Session of Parliament, have resolved to give
 ‘ and grant unto Your Majesty the Sum herein-after men-
 ‘ tioned;’ and do therefore most humbly beseech Your Majesty
 that it may be enacted; and be it enacted by the Queen’s most
 Excellent Majesty, by and with the Advice and Consent of the
 Lords Spiritual and Temporal, and Commons, in this present
 Parliament assembled, and by the Authority of the same, That
 it shall be lawful for the Commissioners of Her Majesty’s Treas-
 ury of the United Kingdom of *Great Britain* and *Ireland*, at
 any Time or Times, to cause or direct any Number of Exche-
 quer Bills to be made out at the Receipt of the Exchequer at
Westminster for any Sum or Sums of Money not exceeding in
 the whole the Sum of Ten millions six hundred and twenty-six
 thousand three hundred and fifty Pounds, in the same or like
 Manner, Form, and Order, and according to the same or like
 Rules and Directions, as are prescribed in an Act passed in the
 Forty-eighth Year of the Reign of His Majesty King *George* the
 Third, intituled *An Act for regulating the issuing and paying off*
of Exchequer Bills.

The Treasury
 may cause
 10,626,350*l.* of
 Exchequer
 Bills to be made
 out in manner
 prescribed by
 48 G. 3. c. 1.

The Clauses,
 &c. in recited
 Act extended
 to this Act.

II. And be it enacted, That all and every the Clauses, Provi-
 soes, Powers, Privileges, Advantages, Penalties, Forfeitures, and
 Disabilities contained in the said Act shall be applied and ex-
 tended to the Exchequer Bills to be made out in pursuance of
 this Act, as fully and effectually, to all Intents and Purposes,
 as if the said several Clauses or Provisoos had been particularly
 repeated and re-enacted in the Body of this Act.

Monies raised
 by Exchequer
 Bills to be
 applied to Ser-

III. And be it enacted, That it shall be lawful for the said
 Commissioners of the Treasury to issue and apply from Time
 to Time all such Sums of Money as shall be raised by Exche-
 quer

quer Bills to be made out in pursuance of this Act to such Services as shall then have been voted by the Commons of the United Kingdom of *Great Britain and Ireland* in this present Session of Parliament.

vices voted by the Commons.

IV. And be it enacted, That the Principal Sum or Sums of Money to be contained in such Exchequer Bills shall be and are hereby charged and chargeable upon and shall be paid and discharged by and out of any Supplies to be granted in the next Session of Parliament.

Exchequer Bills made chargeable upon the Supplies to be granted next Session.

V. And be it enacted, That the Exchequer Bills to be made out in pursuance of this Act shall bear Date on the Days on which the same shall be respectively issued, and shall and may bear an Interest not exceeding the Rate of Three-pence Half-penny *per Centum per Diem* upon or in respect of the whole of the Monies respectively contained therein, payable out of any Aids or Supplies in the Receipt of Her Majesty's Exchequer at *Westminster*.

Interest on Exchequer Bills.

VI. And be it enacted, That all and every the Exchequer Bills to be made forth by virtue of this Act, or so many of them as shall from Time to Time remain undischarged and uncancelled, shall and may, from and after Twelve Calendar Months from their respective Dates, be received and taken and shall pass and be current to all and every the Receivers and Collectors in *Great Britain* of the Customs, Excise, or any Revenue, Supply, Aid, or Tax whatsoever, already granted, due, or payable, or which shall or may hereafter be granted, due, or payable, to Her Majesty, Her Heirs and Successors, and also at the Bank of *England*, to the Account of Her Majesty's Exchequer, from the said Receivers or Collectors, or from any other Person or Persons, Bodies Politic or Corporate whatsoever, making any Payment there to Her Majesty, Her Heirs and Successors, for or upon any Account, Cause, or Occasion whatsoever, according to the Purport and true Meaning of this Act.

Exchequer Bills to be current to all Receivers, &c., and at the Bank.

VII. And be it declared and enacted, That it shall and may be lawful for the Governor and Company of the Bank of *England* to advance or lend to Her Majesty, upon the Credit of the Exchequer Bills to be made out in pursuance of this Act, any Sum or Sums of Money not exceeding in the whole the Sum of Ten millions six hundred and twenty-six thousand three hundred and fifty Pounds, any thing in an Act passed in the Fifth and Sixth Years of the Reign of King *William* and Queen *Mary*, intituled *An Act for granting to Their Majesties several Rates and Duties upon Tonnage of Ships and Vessels, and upon Beer, Ale, and other Liquors; and for securing certain Recompences and Advantages in the said Act mentioned to such Persons as shall voluntarily advance the Sum of One million five hundred thousand Pounds towards carrying on the War against France*, or in any subsequent Act to the contrary thereof in anywise notwithstanding.

Bank of England may advance 10,626,350*l.* on the Credit of this Act, notwithstanding 5 & 6 W. & M. c. 20.

VIII. And be it enacted, That all the Monies coming into the Exchequer of *Great Britain* by an Act of this Session of Parliament, intituled *An Act for funding Exchequer Bills, and for making*

Monies coming into the Exchequer by 5 Vict. c. 8., and

10,626,350*l.* by this Act, to be applied as hereafter expressed.

There shall be applied 131,681*l.* for Army Services; viz.

106,678*l.* for Commissariat Supplies;

25,003*l.* for Commissariat Half Pay, &c.

There shall be issued 67,744*l.* for Ordnance Services; viz.

24,772*l.* for Ordnance Works, &c.;

39,198*l.* for Civil Contingencies in the Colonies;

3,184*l.* for Ordnance Stores;

590*l.* for a Military Superannuated Allowance.

There shall be applied 10,626,350*l.* to pay off outstanding Exchequer Bills.

making Provision for the Service of the Year One thousand eight hundred and forty-one, and also the Sum of Ten millions six hundred twenty-six thousand three hundred and fifty Pounds, by this Act granted, shall be further appropriated, and are hereby appropriated, and shall be issued and applied for and towards the several Uses and Purposes hereafter expressed.

IX. And it is hereby also enacted, That out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding One hundred thirty-one thousand six hundred and eighty-one Pounds, for and towards the Army Services herein-after more particularly mentioned; (that is to say,) any Sum or Sums of Money not exceeding One hundred and six thousand six hundred and seventy-eight Pounds, to complete the Sum necessary to defray the Charge of the Commissariat Department, to the Thirty-first Day of *March* One thousand eight hundred and forty-two; and any Sum or Sums of Money not exceeding Twenty-five thousand and three Pounds, to complete the Sum necessary to defray the Charge of Half Pay, Pensions, and Allowances in the Commissariat Department to the Thirty-first Day of *March* One thousand eight hundred and forty-two.

X. And it is hereby also enacted, That out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Sixty-seven thousand seven hundred and forty-four Pounds, for and towards the Ordnance Services herein-after more particularly mentioned; (that is to say,) any Sum or Sums of Money not exceeding Twenty-four thousand seven hundred and seventy-two Pounds, on account of Ordnance Works and Repairs, *Canada* Extraordinaries, Storekeepers Expenditure, Building and Repair of Barracks, and Barrack Masters Expenditure, in the United Kingdom and Colonies, for the Year One thousand eight hundred and forty-one—forty-two; and any Sum or Sums of Money not exceeding Thirty-nine thousand one hundred and ninety-eight Pounds, for defraying the Charge of Civil Contingencies in the Colonies, for the Year One thousand eight hundred and forty-one—forty-two; and any Sum or Sums of Money not exceeding Three thousand one hundred and eighty-four Pounds, on account of Ordnance Stores, for the Year One thousand eight hundred and forty-one—forty-two; and any Sum or Sums of Money not exceeding Five hundred and ninety Pounds, for defraying the Charge of a Military Superannuated Allowance, in the Year One thousand eight hundred and forty-one—forty-two.

XI. And it is hereby also enacted, That out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Ten millions six hundred twenty-six thousand three hundred and fifty Pounds, to make good the Deficiency of the Grant of the last Session of Parliament for paying off and discharging the outstanding Exchequer Bills granted for the Service of the Year One thousand eight hundred and forty-one—forty-two.

XII. And

XII. And it is hereby also enacted, That out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Fifty-four thousand Pounds, to complete the Sum necessary to defray the Expences of the Service in *Canada* consequent upon the late Insurrection in that Colony.

There shall be applied 54,000*l.* for Expences in *Canada*.

XIII. And it is hereby also enacted, That out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Two thousand nine hundred and thirty Pounds, to complete the Sum necessary to defray the Charge of the Civil Establishment of the *Bahama* Islands, and of the Lighthouses there, to the Thirty-first Day of *March* One thousand eight hundred and forty-two; and any Sum or Sums of Money not exceeding Two thousand and twenty-four Pounds Ten Shillings, to complete the Sum necessary to defray the Charge of the Civil Establishment of the *Bermudas*, to the Thirty-first Day of *March* One thousand eight hundred and forty-two; and any Sum or Sums of Money not exceeding One thousand five hundred and thirty-five Pounds, to complete the Sum necessary to defray the Charge of the Civil Establishment of *Prince Edward's Island*, to the Thirty-first Day of *March* One thousand eight hundred and forty-two; and any Sum or Sums of Money not exceeding Five thousand four hundred and forty Pounds, to complete the Sum necessary to defray the Charge of the Civil Establishments on the Western Coast of *Africa*, to the Thirty-first Day of *March* One thousand eight hundred and forty-two; and any Sum or Sums of Money not exceeding Three thousand five hundred and forty-nine Pounds Ten Shillings, to complete the Sum necessary to defray the Expence of the Settlement of *Western Australia*, to the Thirty-first Day of *March* One thousand eight hundred and forty-two; and any Sum or Sums of Money not exceeding Five thousand seven hundred and ninety-five Pounds, to complete the Sum necessary to defray the Charge of the Ecclesiastical Establishment of the *British North American* Provinces, to the Thirty-first Day of *March* One thousand eight hundred and forty-two; and any Sum or Sums of Money not exceeding Nine thousand four hundred and forty-seven Pounds Ten Shillings, to complete the Sum necessary to defray the Charge of the *Indian* Department in *Lower* and *Upper Canada*, to the Thirty-first Day of *March* One thousand eight hundred and forty-two; and any Sum or Sums of Money not exceeding Nine thousand three hundred and thirty-three Pounds Ten Shillings, to complete the Sum necessary to defray the Charge of the Salaries of the Governors, Lieutenant Governors, and others in Her Majesty's *West India* Colonies, to the Thirty-first Day of *March* One thousand eight hundred and forty-two; and any Sum or Sums of Money not exceeding Five hundred and eleven Pounds Ten Shillings, to complete the Sum necessary to defray the Expence of the Civil Establishment of *Heligoland*, to the Thirty-first Day of *March* One thousand eight hundred and forty-two; and any Sum or Sums of Money not exceeding Five thousand

There shall be applied 2,930*l.* for Civil Establishment of the *Bahama* Islands, &c. ;

2,024*l.* 10*s.* for ditto of the *Bermudas* ;

1,535*l.* for ditto of *Prince Edward's Island* ;

5,440*l.* for ditto on the Western Coast of *Africa* ;

3,549*l.* 10*s.* for *Western Australia* ;

5,795*l.* for *British North American* Provinces ;

9,447*l.* 10*s.* for *Indian* Department in the *Canadas* ;

9,339*l.* 10*s.* for *West India* Colonies ;

511*l.* 10*s.* for *Heligoland* ;

5,750*l.* for *St. Helena* ;

200*l.* for *Sable Island, Nova Scotia*;

3,000*l.* for *New Zealand*;

2,211*l.* 10*s.* for *Port Essington*;

1,000*l.* for the *Falkland Islands*.

There shall be issued 24,896*l.* to make good Supplies granted last Session;

60,000*l.* for Civil Contingencies;

51,654*l.* 10*s.* for Repairs of Public Buildings and Furniture of Public Offices;

5,000*l.* for *Kingstown Harbour*;

2,680*l.* 10*s.* for *Holyhead Roads, &c.*;

21,202*l.* for new Buildings

to complete the Sum necessary to defray the Charge of the Civil Establishment at *Saint Helena*, and of Pensions and Allowances to the Civil and Military Officers of the *East India Company's* late Establishment in that Island, to the Thirty-first Day of *March* One thousand eight hundred and forty-two; and any Sum or Sums of Money not exceeding Two hundred Pounds, to complete the Sum necessary to defray the Expence of the Establishment at *Sable Island, Nova Scotia*, for the Relief of shipwrecked Persons, to the Thirty-first Day of *March* One thousand eight hundred and forty-two; and any Sum or Sums of Money not exceeding Three thousand Pounds, towards defraying the Expences of the Settlement of *New Zealand*, to the Thirty-first Day of *March* One thousand eight hundred and forty-two; and any Sum or Sums of Money not exceeding Two thousand two hundred and eleven Pounds Ten Shillings, towards defraying the Charge of the Settlement at *Port Essington*, to the Thirty-first Day of *March* One thousand eight hundred and forty-one; and any Sum or Sums of Money not exceeding One thousand Pounds, to complete the Sum necessary to defray the Charge of the Civil Establishment at the *Falkland Islands*, to the Thirty-first Day of *March* One thousand eight hundred and forty-two.

XIV. And it is hereby also enacted, That out of all or any the Aids and Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Twenty-four thousand eight hundred and ninety-six Pounds, to make good the Supplies which were granted in the last Session of Parliament; and any Sum or Sums of Money not exceeding Sixty thousand Pounds, to complete the Sum necessary to defray the Charge of Civil Contingencies, to the Thirty-first Day of *March* One thousand eight hundred and forty-two; and any Sum or Sums of Money not exceeding Fifty-one thousand six hundred and fifty-four Pounds Ten Shillings, to complete the Sum necessary to defray, to the Thirty-first Day of *March* One thousand eight hundred and forty-two, the Expence of Works and Repairs of Public Buildings, and for Furniture, &c. for various Public Departments, for certain Charges for lighting and watching, and for Rates and Taxes, also for the Maintenances and Repairs of Royal Palaces and Works in the Royal Gardens heretofore charged upon the Civil List; and any Sum or Sums of Money not exceeding Five thousand Pounds, to complete the Sum necessary to defray the Expence of Works and Repairs at the Harbour of *Kingstown*, to the Thirty-first Day of *March* One thousand eight hundred and forty-two; and any Sum or Sums of Money not exceeding Two thousand six hundred and eighty Pounds Ten Shillings, to complete the Sum necessary to defray the Expence of the Improvement of the *Holyhead* and *Liverpool Road*, *Holyhead Harbour*, and the *Shrewsbury* and *Holyhead Road*, to the Thirty-first Day of *March* One thousand eight hundred and forty-two; and any Sum or Sums of Money not exceeding Twenty-one thousand two hundred and two Pounds, to complete

plete the Sum necessary to defray the Expence of Fittings and Works at the new Buildings at the *British Museum*, to the Thirty-first Day of *March* One thousand eight hundred and forty-two; and any Sum or Sums of Money not exceeding Four thousand one hundred and eighty-four Pounds Ten Shillings, to complete the Sum necessary to defray the Expence of providing temporary Accommodation for the Houses of Parliament, Committee Rooms, Offices, and temporary Official Residences for the Speaker of the House of Commons and other Officers of that House, to the Thirty-first Day of *March* One thousand eight hundred and forty-two; and any Sum or Sums of Money not exceeding Fifteen thousand four hundred and six Pounds, to complete the Sum necessary to defray, to the Thirty-first Day of *March* One thousand eight hundred and forty-two, the Expence of the Works at the New Houses of Parliament; and any Sum or Sums of Money not exceeding Fifteen thousand Pounds, for the Completion of the Model Prison; and any Sum or Sums of Money not exceeding Two thousand five hundred Pounds, to complete the Buildings of the General Prison at *Perth*; and any Sum or Sums of Money not exceeding Eight hundred and forty-four Pounds Ten Shillings, for the Expences of the Museum of Economic Geology, to the Thirty-first Day of *March* One thousand eight hundred and forty-two; and any Sum or Sums of Money not exceeding Two thousand five hundred Pounds, to complete the Sum necessary to defray, in the Year One thousand eight hundred and forty-one, the Expence of erecting a Hall for the Use of the General Assembly of the Church of *Scotland* at *Edinburgh*; and any Sum or Sums of Money not exceeding Twenty-nine thousand Pounds, to complete the Sum necessary to defray the Charge of Salaries and Expences of the Two Houses of Parliament, and of Allowances to Retired Officers of the Two Houses, to the Thirty-first Day of *March* One thousand eight hundred and forty-two; and any Sum or Sums of Money not exceeding Twenty-six thousand three hundred Pounds, to complete the Sum necessary to pay the Salaries, contingent and other Expences, of the Department of Her Majesty's Treasury, to the Thirty-first Day of *March* One thousand eight hundred and forty-two; and any Sum or Sums of Money not exceeding Ten thousand seven hundred and fifty Pounds, to complete the Sum necessary to pay the Salaries and Expences of the Office of Her Majesty's Secretary of State for the Home Department, to the Thirty-first Day of *March* One thousand eight hundred and forty-two; and any Sum or Sums of Money not exceeding Forty-four thousand Pounds, to complete the Sum necessary to pay the Salaries and Expences in the Department of Her Majesty's Secretary of State for Foreign Affairs, and also of the Foreign Messengers attached to the Department, to the Thirty-first Day of *March* One thousand eight hundred and forty-two; and any Sum or Sums of Money not exceeding Ten thousand Pounds to complete the Sum necessary to pay the Salaries and Expences in the Department of Her Majesty's Secretary

at the *British Museum*;

4,184*l.* 10*s.* for providing temporary Accommodation for Houses of Parliament;

15,406*l.* for erecting New Houses of Parliament;

15,000*l.* for Model Prison;

2,500*l.* for the Prison at *Perth*;

844*l.* 10*s.* for the Museum of Economic Geology;

2,500*l.* for erecting a Hall at *Edinburgh*;

29,000*l.* for Expences of both Houses of Parliament;

26,300*l.* for Salaries, &c. at the Treasury;

10,750*l.* for Salaries, &c. in the Home Department;

44,000*l.* for Salaries, &c. in the Foreign Department;

10,000*l.* for Salaries, &c. in the Colonial Department;

15,750*l.* for Salaries, &c. at the Privy Council, &c. ;

1,000*l.* for the Salary of Lord Privy Seal ;

17,475*l.* 10*s.* for Office of the Paymaster General ;

8,785*l.* for Comptroller General of Exchequer, &c. ;

1,003*l.* for certain Professors at *Oxford* and *Cambridge* ;

6,679*l.* for Insolvent Debtors Court ;

9,729*l.* for Penitentiary, *Milbank* ;

3,092*l.* 10*s.* for *Parkhurst* Prison ;

1,141*l.* for State Paper Office ;

1,500*l.* for Ecclesiastical Commissioners for *England* ;

Secretary of State for the Colonies, to the Thirty-first Day of *March* One thousand eight hundred and forty-two; and any Sum or Sums of Money not exceeding Fifteen thousand seven hundred and fifty Pounds, to complete the Sum necessary to pay the Salaries and Expences in the Departments of Her Majesty's Most Honourable Privy Council and Committee of Privy Council for Trade, to the Thirty-first Day of *March* One thousand eight hundred and forty-two; and any Sum or Sums of Money not exceeding One thousand Pounds, to complete the Sum necessary for the Salary of the Lord Privy Seal, to the Thirty-first Day of *March* One thousand eight hundred and forty-two; and any Sum or Sums of Money not exceeding Seventeen thousand four hundred and seventy-three Pounds Ten Shillings, to complete the Sum necessary to defray the Charge of the Office of Her Majesty's Paymaster General, to the Thirty-first Day of *March* One thousand eight hundred and forty-two; and any Sum or Sums of Money not exceeding Eight thousand seven hundred and eighty-five Pounds, to complete the Sum necessary to pay the Salaries and contingent Expences in the Departments of the Comptroller General of the Exchequer, the Paymasters of Exchequer Bills, and the Paymaster of Civil Services, to the Thirty-first Day of *March* One thousand eight hundred and forty-two; and any Sum or Sums of Money not exceeding One thousand and three Pounds, to complete the Sum necessary to defray the Charge of the Salaries and Allowances granted to certain Professors in the Universities of *Oxford* and *Cambridge*, to the Thirty-first Day of *March* One thousand eight hundred and forty-two; and any Sum or Sums of Money not exceeding Six thousand six hundred and seventy-nine Pounds, to complete the Sum necessary to defray the Charge of the Salaries of the Commissioners of the Insolvent Debtors Court, of their Clerks, and the contingent Expences of the Court and Office, to the Thirty-first Day of *March* One thousand eight hundred and forty-two, also of the Expences attendant upon the Circuit; and any Sum or Sums of Money not exceeding Nine thousand seven hundred and twenty-two Pounds, to complete the Sum necessary to defray the Expence of the General Penitentiary at *Milbank*, to the Thirty-first Day of *March* One thousand eight hundred and forty-two; and any Sum or Sums of Money not exceeding Three thousand and ninety-two Pounds Ten Shillings, to complete the Sum necessary to defray the Expence of the Prison for Juvenile Offenders at *Parkhurst* in the *Isle of Wight*, to the Thirty-first Day of *March* One thousand eight hundred and forty-two; and any Sum or Sums of Money not exceeding One thousand one hundred and forty-one Pounds, to complete the Sum necessary to defray the Salaries and Expences of the State Paper Office, to the Thirty-first Day of *March* One thousand eight hundred and forty-two; and any Sum or Sums of Money not exceeding One thousand five hundred Pounds, to complete the Sum necessary to defray the Salaries and Expences of the Ecclesiastical Commissioners for *England*, to the Thirty-first Day of *March*

One thousand eight hundred and forty-two; and any Sum or Sums of Money not exceeding Twenty-nine thousand and seventy-seven Pounds Ten Shillings, to complete the Sum necessary to defray the Salaries and Expences of the Commissioners for carrying into execution the Act for the Amendment of the Laws relating to the Poor in *England* and *Wales*, and the Act for the Relief of the Destitute Poor in *Ireland*, to the Thirty-first Day of *March* One thousand eight hundred and forty-two; and any Sum or Sums of Money not exceeding Eight thousand two hundred and fifty Pounds, to complete the Sum necessary to pay, to the Thirty-first Day of *March* One thousand eight hundred and forty-two, the Salaries and incidental Expences of the Commissioners appointed on the Part of Her Majesty under the Treaties with Foreign Powers for preventing the illegal Traffic in Slaves; and any Sum or Sums of Money not exceeding Fifty-six thousand seven hundred and ninety-six Pounds, to complete the Sum necessary to defray, to the Thirty-first Day of *March* One thousand eight hundred and forty-two, the Charge of the Salaries of Her Majesty's Consuls General, Consuls, and Vice Consuls abroad, and of the Superintendents of Trade in *China*, also of the contingent Expences of such Consuls General, Consuls, and Vice Consuls, and Superintendents of Trade in *China*; and any Sum or Sums of Money not exceeding Four thousand five hundred Pounds, to complete the Sum necessary to defray the Salaries and Expences of the Inspectors and Superintendents of Factories, to the Thirty-first Day of *March* One thousand eight hundred and forty-two; and any Sum or Sums of Money not exceeding Three thousand one hundred Pounds, to complete the Sum necessary to defray the Salaries and Expences of the Inspectors of Prisons, to the Thirty-first Day of *March* One thousand eight hundred and forty-two; and any Sum or Sums of Money not exceeding Fifteen thousand seven hundred Pounds, to complete the Sum necessary to defray the Expenditure of the Mint, to the Thirty-first Day of *March* One thousand eight hundred and forty-two; and any Sum or Sums of Money not exceeding Two thousand five hundred Pounds, to complete the Sum necessary to defray the Expences of the Commission respecting the Employment of Children in Mines and Collieries, to the Thirty-first Day of *March* One thousand eight hundred and forty-two; and any Sum or Sums of Money not exceeding Forty-one thousand Pounds, to complete the Sum necessary to defray the Charge of Allowances and Compensations to Persons formerly employed in the Public Offices or Departments, or in the Public Service, to the Thirty-first Day of *March* One thousand eight hundred and forty-two; and any Sum or Sums of Money not exceeding Three thousand two hundred and fifty Pounds, to complete the Sum necessary to enable Her Majesty to grant Relief, to the Thirty-first Day of *March* One thousand eight hundred and forty-two, to *Toulonese* and *Corsican* Emigrants, *Dutch* Naval Officers Widows, *Saint Domingo* Sufferers, *American* Loyalists, and others who have heretofore received Allowances from Her Majesty,

29,077l. 10s. for the Poor Law Commissioners;

8,250l. for Commissioners for preventing the Slave Trade;

56,796l. for Salaries of Consuls, &c. ;

4,500l. for Salaries, &c. of Factory Inspectors;

3,100l. for Salaries, &c. of Inspectors of Prisons;

15,700l. for the Mint ;

2,500l. for Commission on Employment of Children in Mines, &c. ;

41,000l. for Retired Allowances to Public Officers;

3,250l. for *Toulonese* and *Corsican* Emigrants, &c. ;

925*l.* for National Vaccine Institution ;

1,500*l.* for Refuge for the Destitute ;

1,695*l.* for Criminal Lunatics ;

1,950*l.* for Protestant Dissenting Ministers, &c.

19,600*l.* for Foreign and Secret Services ;

108,747*l.* for Stationery, &c. for Government Departments ;

14,000*l.* for Law Charges ;

39,440*l.* for Convict Hulk Establishment at home and at *Bermuda* ;

132,500*l.* for Convicts at *New South Wales*, &c. ;

12,500*l.* for Support of captured Negroes, &c. ;

Majesty, and who, for Services performed or Losses sustained in the *British* Service, have special Claims on Her Majesty's Justice and Liberality ; and any Sum or Sums of Money not exceeding Nine hundred and twenty-five Pounds, to complete the Sum necessary to defray the Expence of the National Vaccine Institution, for the Year One thousand eight hundred and forty-one ; and any Sum or Sums of Money not exceeding One thousand five hundred Pounds, towards the Support of the Refuge for the Destitute, for the Year One thousand eight hundred and forty-one ; and any Sum or Sums of Money not exceeding One thousand six hundred and ninety-five Pounds, to complete the Sum necessary to defray the Expence of confining and maintaining Criminal Lunatics in *Bethlem* Hospital, to the Thirty-first Day of *March* One thousand eight hundred and forty-two ; and any Sum or Sums of Money not exceeding One thousand nine hundred and fifty Pounds, to complete the Sum necessary to pay, to the Thirty-first Day of *March* One thousand eight hundred and forty-two, the usual Allowances to Protestant Dissenting Ministers in *England*, poor *French* Refugee Clergy, poor *French* Refugee Laity, and sundry small charitable and other Allowances to the Poor of *Saint Martin's in the Fields* and others ; and any Sum or Sums of Money not exceeding Nineteen thousand six hundred Pounds, to complete the Sum necessary to defray the Charge of Her Majesty's Foreign and other Secret Services, to the Thirty-first Day of *March* One thousand eight hundred and forty-two ; and any Sum or Sums of Money not exceeding One hundred and three thousand seven hundred and forty-seven Pounds, to complete the Sum necessary to defray the Expence of providing Stationery, Printing, and Binding for the several Departments of Government in *England*, *Scotland*, *Ireland*, and the Colonies, and for providing Stationery, Binding, Printing, and Paper for printing for the Two Houses of Parliament, including the Expence of the Stationery Office, to the Thirty-first Day of *March* One thousand eight hundred and forty-two ; and any Sum or Sums of Money not exceeding Fourteen thousand Pounds, to complete the Sum necessary to defray the Expence of Law Charges, to the Thirty-first Day of *March* One thousand eight hundred and forty-two ; and any Sum or Sums of Money not exceeding Thirty-nine thousand four hundred and forty Pounds, to complete the Sum necessary to defray the Expence of the Convict Hulk Establishment at Home and at *Bermuda*, to the Thirty-first Day of *March* One thousand eight hundred and forty-two ; and any Sum or Sums of Money not exceeding One hundred and thirty-two thousand five hundred Pounds, to complete the Sum necessary to defray the Charge of maintaining Convicts at *New South Wales* and *Van Dieman's Land*, to the Thirty-first Day of *March* One thousand eight hundred and forty-two ; and any Sum or Sums of Money not exceeding Twelve thousand five hundred Pounds, to complete the Sum necessary to defray Expences for the Support of captured Negroes and liberated *Africans* under the Acts for the Abolition of the Slave Trade, to the Thirty-first Day of *March* One

One thousand eight hundred and forty-two; and any Sum or Sums of Money not exceeding Five thousand one hundred and sixty-nine Pounds, to complete the Sum necessary to pay the Salaries of the Persons employed in the Care and Arrangement of the Public Records, to the Thirty-first Day of *March* One thousand eight hundred and forty-two, and the Compensations to Keepers of Records and others whose Offices have been abolished; and any Sum or Sums of Money not exceeding Fifteen thousand Pounds, to complete the Sum necessary for Public Education in *Great Britain*; and any Sum or Sums of Money not exceeding Two thousand six hundred and sixty Pounds, to complete the Sum necessary to defray the Expences of the University of *London*, to the Thirty-first Day of *March* One thousand eight hundred and forty-two; and any Sum or Sums of Money not exceeding Seven hundred and ninety-five Pounds, to complete the Sum necessary to defray the Expences of the School of Design, for the Year One thousand eight hundred and forty-one—two; and any Sum or Sums of Money not exceeding Fourteen thousand five hundred Pounds, to complete the Sum necessary to pay, to the Thirty-first Day of *March* One thousand eight hundred and forty-two, the Allowances and Expences of the Barristers employed in revising Lists of Voters under the Act to amend the Representation of the People in *England* and *Wales*; and any Sum or Sums of Money not exceeding Six thousand one hundred and fifty Pounds, to complete the Sum necessary to defray, to the Thirty-first Day of *March* One thousand eight hundred and forty-two, the Expences incurred by Sheriffs formerly paid from Civil Contingencies, also to make good the Deficiency of the Fees of the Office of the Queen's Remembrancer in the Exchequer, and to pay the Salaries and ancient Allowances of certain Officers of the Court of Exchequer; and any Sum or Sums of Money not exceeding Seventy-three thousand five hundred Pounds, to complete the Sum necessary to defray, in the Year One thousand eight hundred and forty-one, certain Charges heretofore paid out of County Rates; and any Sum or Sums of Money not exceeding Six thousand Pounds, to complete the Sum necessary for the Payment of the Subsistence of the *Polish* Refugees, to the Thirty-first Day of *March* One thousand eight hundred and forty-two; and any Sum or Sums of Money not exceeding Three thousand five hundred and forty Pounds, to complete the Sum necessary to enable the Trustees of the *British Museum* to purchase certain Manuscripts and Collections of Coins; and any Sum or Sums of Money not exceeding Fifty-six thousand eight hundred and fifty-five Pounds, to pay Compensation to certain *British* Subjects for Losses sustained by the Confiscation of Book Debts and Merchandize on shore by the *Spanish* Government, in the Year One thousand eight hundred and four; and any Sum or Sums of Money not exceeding Twenty-five thousand Pounds, towards defraying the Expence of Steam Communication to *India* by way of the *Red Sea*, to the Thirty-first Day of *March* One thousand eight hundred and forty-two; and any

5,169*l.* for
Public Records;15,000*l.* for
Public Education;
2,660*l.* for *London*
University;795*l.* for School
of Design;14,500*l.* for
Revising Bar-
risters under
2 & 3 W. 4. c. 45.;6,150*l.* for
Expences of
Sheriffs, and
Salaries, &c. of
Officers of the
Exchequer;73,500*l.* for
Charges
hitherto paid
out of County
Rates;6,000*l.* for *Polish*
Refugees;3,540*l.* for *British*
Museum;56,855*l.* for
Compensation
to certain *British*
Subjects;25,000*l.* for
Steam Com-
munication to
India;29,350*l.* for
Salaries, &c. of

Justices in
West Indies, &c.;

15,000*l.* for
Education of
emancipated
Negro Popu-
lation;

3,326*l.* for
Colonial Land
and Emigration
Board;

19,987*l.* for
Expedition to
the *Niger*;

5,000*l.* for
Public Walks
in large Towns;

5,000*l.* for
Schools of
Design;

1,750*l.* for
Pictures for
National Gal-
lery;

2,250*l.* for
Lighthouses on
Morant Point
and at *Bermuda*;

10,000*l.* for Ex-
pences of Cen-
sus, *Ireland*;

37,150*l.* for Law
Expences, &c.
in *Scotland*.

There shall be
issued 25,000*l.*
for Education,
Ireland;

Sum or Sums of Money not exceeding Twenty-nine thousand three hundred and fifty Pounds, to complete the Sum necessary to defray the Charge of the Salaries, Allowances, and Contingencies of the Stipendiary Justices in the *West Indies, Mauritius, and Cape of Good Hope*, to the Thirty-first Day of *March* One thousand eight hundred and forty-two; and any Sum or Sums of Money not exceeding Fifteen thousand Pounds, to complete the Sum necessary to defray such Expences as Her Majesty may incur in aiding the local Legislatures in providing for the Religious and Moral Instruction of the emancipated Negro Population; and any Sum or Sums of Money not exceeding Three thousand three hundred and twenty-six Pounds, to complete the Sum necessary to defray a Portion of the Charge of the Colonial Land and Emigration Board, and also the Salaries of the Agents for Emigration, to the Thirty-first Day of *March* One thousand eight hundred and forty-two; and any Sum or Sums of Money not exceeding Nineteen thousand nine hundred and eighty-seven Pounds, to complete the Sum necessary to defray the Expences of the Expedition to the *Niger*, to the Thirty-first Day of *March* One thousand eight hundred and forty-two; and any Sum or Sums of Money not exceeding Five thousand Pounds, to complete the Sum necessary to enable Her Majesty to issue Money in aid of local Subscriptions towards defraying the Expence of forming Public Walks in the Neighbourhood of large Towns; and any Sum or Sums of Money not exceeding Five thousand Pounds, towards defraying the Expence of the Establishment of Schools of Design in Provincial Towns, in aid of local Subscriptions for that Purpose; and any Sum or Sums of Money not exceeding One thousand seven hundred and fifty Pounds, to complete the Sum necessary for the Purchase of Pictures for the National Gallery, in the Year One thousand eight hundred and forty-one; and any Sum or Sums of Money not exceeding Two thousand two hundred and fifty Pounds, towards defraying the Expence of a Lighthouse to be erected on *Morant Point, Jamaica*, also on account of a Lighthouse to be erected at *Bermuda*; and any Sum or Sums of Money not exceeding Ten thousand Pounds, towards defraying the Expences to be incurred for the Census of the Population of *Ireland*; and any Sum or Sums of Money not exceeding Thirty-seven thousand one hundred and fifty Pounds, to complete the Sum necessary to defray, to the Thirty-first Day of *March* One thousand eight hundred and forty-two, Law Expences, Grants to *Scottish* Universities, and other Charges formerly paid out of the Hereditary Revenues in *Scotland*, and not provided for out of Her Majesty's Civil List, nor out of the Consolidated Fund.

XV. And it is hereby also enacted, That out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Twenty-five thousand Pounds, to enable the Lord Lieutenant of *Ireland* to issue the Sums necessary for the Advancement of Education in *Ireland*, to the Thirty-first Day of *March* One thousand eight hundred and forty-two; and any Sum or Sums of Money not exceeding

exceeding Four thousand seven hundred and ninety-three Pounds, to complete the Sum necessary to defray the Expence of the Foundling Hospital in *Dublin*, to the Thirty-first Day of *March* One thousand eight hundred and forty-two; and any Sum or Sums of Money not exceeding Seven thousand eight hundred and forty-six Pounds Ten Shillings, to complete the Sum necessary to defray the Expence of the House of Industry in *Dublin*, the Lunatic Department, the Four General Hospitals, and the Dispensary attached, to the Thirty-first Day of *March* One thousand eight hundred and forty-two; and any Sum or Sums of Money not exceeding Five hundred Pounds, towards defraying the Expence of the Female Orphan House, *Circular Road, Dublin*, to the Thirty-first Day of *March* One thousand eight hundred and forty-two; and any Sum or Sums of Money not exceeding One thousand two hundred and fifty Pounds, towards defraying the Expence of the *Westmoreland Lock Hospital*, to the Thirty-first Day of *March* One thousand eight hundred and forty-two; and any Sum or Sums of Money not exceeding Five hundred Pounds, towards defraying the Expence of the Lying-in Hospital in *Dublin*, to the Thirty-first Day of *March* One thousand eight hundred and forty-two; and any Sum or Sums of Money not exceeding Seven hundred and fifty Pounds towards defraying the Expence of Doctor *Stevens' Hospital* in *Dublin*, to the Thirty-first Day of *March* One thousand eight hundred and forty-two; and any Sum or Sums of Money not exceeding One thousand nine hundred Pounds, towards defraying the Expence of the Fever Hospital and House of Recovery, *Cork Street, Dublin*, to the Thirty-first Day of *March* One thousand eight hundred and forty-two; and any Sum or Sums of Money not exceeding Two hundred and fifty Pounds, towards defraying the Expence of the Hospital for Incurables, to the Thirty-first Day of *March* One thousand eight hundred and forty-two; and any Sum or Sums of Money not exceeding Four thousand four hundred and sixty-four Pounds, to complete the Sum necessary to defray the Charge of the Roman Catholic College, to the Thirty-first Day of *March* One thousand eight hundred and forty-two; and any Sum or Sums of Money not exceeding One hundred and fifty Pounds, towards defraying the Expence of the *Royal Irish Academy*, to the Thirty-first Day of *March* One thousand eight hundred and forty-two; and any Sum or Sums of Money not exceeding One hundred and fifty Pounds towards defraying the Expence of the *Royal Hibernian Academy*, to the Thirty-first Day of *March* One thousand eight hundred and forty-two; and any Sum or Sums of Money not exceeding Three hundred and fifty Pounds, to complete the Sum necessary to defray the Salaries and Expences of the Commissioners of Charitable Donations and Bequests in *Ireland*, to the Thirty-first Day of *March* One thousand eight hundred and forty-two; and any Sum or Sums of Money not exceeding Nine hundred and seventy-five Pounds, towards defraying the Salaries and Expences of the *Royal Belfast Academical Institution*, to the

4,793*l.* for Foundling Hospital, *Dublin*;

7,846*l.* 10*s.* for H. of Industry, &c. *Dublin*;

500*l.* for Female Orphan House, *Circular Road, Dublin*;

1,250*l.* for *Westmoreland Lock Hospital*;

500*l.* for Lying-in Hospital, *Dublin*;

750*l.* for Dr. *Stevens' Hospital*;

1,900*l.* for Fever Hospital, &c. *Dublin*;

250*l.* for Hospital for Incurables;

4,464*l.* for Roman Catholic College;

150*l.* for *Royal Irish Academy*;

150*l.* for *Royal Hibernian Academy*;

350*l.* for Commissioners of Charitable Donations, *Ireland*;

975*l.* for *Royal Belfast Academical Institution*.

the Thirty-first Day of *March* One thousand eight hundred and forty-two.

There shall be issued 8,250*l.* for Public Buildings, *Ireland*;

12,542*l.* 10*s.* for Departments of Chief Secretary to Lord Lieutenant of *Ireland*, &c.;

6,292*l.* for Salaries of Lord Lieutenant's Household;

2,369*l.* 10*s.* for Paymaster of Civil Services, *Ireland*;

2,075*l.* for printing Proclamations and Statutes;

17,453*l.* 10*s.* for Dissenting Ministers;

51,000*l.* for Criminal Prosecutions, &c.

19,050*l.* for the Police of *Dublin*;

1,392*l.* for Board of Public Works;

XVI. And it is hereby also enacted, That out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Eight thousand two hundred and fifty Pounds, to complete the Sum necessary to defray the Expence of repairing and maintaining the several Public Buildings in the Department of the Commissioners of Public Works in *Ireland*, to the Thirty-first Day of *March* One thousand eight hundred and forty-two, also for Repairs to *Donaghadee* Harbour; and any Sum or Sums of Money not exceeding Twelve thousand five hundred and forty-two Pounds Ten Shillings, to complete the Sum necessary to pay the Salaries and Expences of the Departments of the Chief Secretary to the Lord Lieutenant of *Ireland* in *Dublin* and *London*, and of Her Majesty's Privy Council in *Ireland*, also the Expence of Printing for the Public Offices in *Ireland*, to the Thirty-first Day of *March* One thousand eight hundred and forty-two; and any Sum or Sums of Money not exceeding Six thousand two hundred and thirty-two Pounds, to complete the Sum necessary to defray the Charge of the Salaries for the Officers and Attendants of the Household of the Lord Lieutenant of *Ireland*, to the Thirty-first Day of *March* One thousand eight hundred and forty-two; and any Sum or Sums of Money not exceeding Two thousand three hundred and sixty-nine Pounds Ten Shillings, to complete the Sum necessary to defray the Charge of the Office of the Paymaster of Civil Services in *Ireland*, to the Thirty-first Day of *March* One thousand eight hundred and forty-two; and any Sum or Sums of Money not exceeding Two thousand and seventy-five Pounds, to complete the Sum necessary to defray the Charge for publishing Proclamations and printing the Statutes in *Ireland*, to the Thirty-first Day of *March* One thousand eight hundred and forty-two; and any Sum or Sums of Money not exceeding Seventeen thousand four hundred and fifty-three Pounds Ten Shillings, to complete the Sum necessary to defray the Expence of Nonconforming, Seceding, and Protestant Dissenting Ministers in *Ireland*, to the Thirty-first Day of *March* One thousand eight hundred and forty-two; and any Sum or Sums of Money not exceeding Fifty-one thousand Pounds, to complete the Sum necessary to defray the Charge of Criminal Prosecutions and other Law Charges in *Ireland*, to the Thirty-first Day of *March* One thousand eight hundred and forty-two; and any Sum or Sums of Money not exceeding Nineteen thousand and fifty Pounds, towards defraying the Charge of the Public Offices and Metropolitan Police of *Dublin*, to the Thirty-first Day of *March* One thousand eight hundred and forty-two; and any Sum or Sums of Money not exceeding One thousand three hundred and ninety-two Pounds, to complete the Sum necessary to defray the Charge of the Board of Public Works in *Ireland*, to the Thirty-first Day of *March* One thousand eight hundred and forty-two; and any

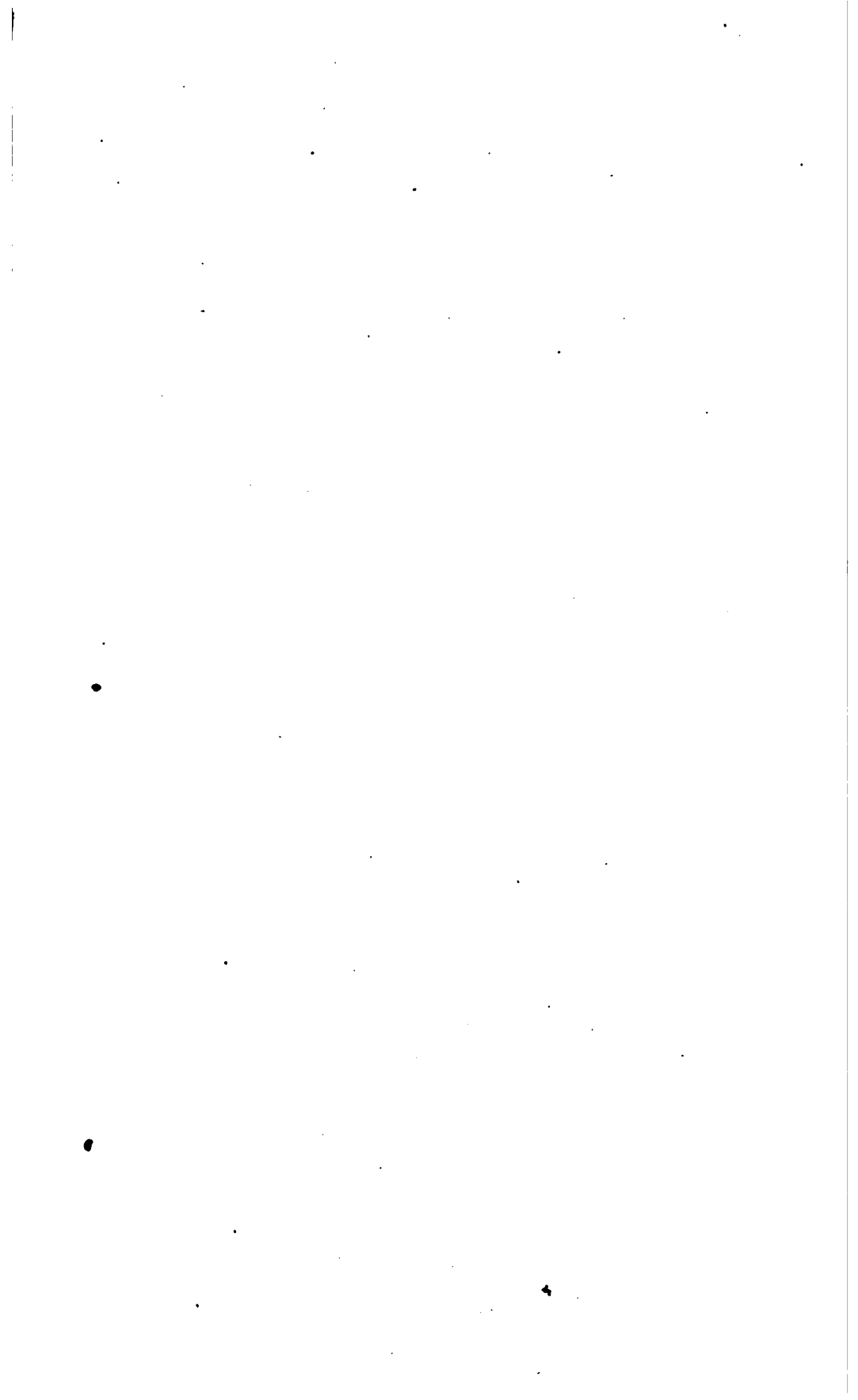
Sum or Sums of Money not exceeding Three thousand five hundred Pounds, to complete the Sum necessary to defray the Expence of the Townland Survey of *Ireland*, to the Thirty-first Day of *March* One thousand eight hundred and forty-two; and any Sum or Sums of Money not exceeding One thousand four hundred and fifty-nine Pounds Ten Shillings, to complete the Sum necessary to defray the Charge of the Salaries and Expences of the Commissioners for the Improvement of the River *Shannon*, to the Thirty-first Day of *March* One thousand eight hundred and forty-two.

3,500*l.* for
Townland Sur-
vey of *Ireland*;

1,459*l.* 10*s.* for
Improvement
of the River
Shannon.

XVII. And it is hereby also enacted, That the said Aids and Supplies provided as aforesaid shall not be issued or applied to any Use, Intent, or Purpose whatever other than the Uses, Intents, and Purposes before mentioned, or for the other Payments directed to be satisfied thereout by any Act or Acts, or any particular Clause or Clauses for that Purpose contained in any other Act or Acts of this Session of Parliament.

Supplies to be
applied only for
the Purposes
aforesaid.



INDEX

TO THE

PUBLIC GENERAL STATUTES,

5 VICTORIA.

Shewing whether they relate to the Whole or to any
Part of the United Kingdom; viz.

E. signifies that the Act relates to England (and Wales; if the Subject extends so far).
U.K. - - - The Whole of the United Kingdom.

A.

	Cap.	Relating to
A DMINISTRATION OF JUSTICE, to make further Provisions for - - - - }	5.	E.
APPROPRIATION ACT - - - - }	11.	U.K.

B.

BISHOPS; to amend 26 Geo. III. c. 84. for empowering the Archbishop of Canterbury or the Archbishop of York for the Time being to consecrate to the Office of a Bishop Persons being Subjects or Citizens of Countries out of His Majesty's Dominions - }	6.	U.K.
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C.

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E.

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F.

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FOREIGNERS, CONSECRATION OF; amending the Act 26 Geo. III. c. 84. for empowering the Archbishop of Canterbury or the Archbishop of York for the Time being to consecrate to the Office of a Bishop Persons being Subjects or Citizens of Countries out of His Majesty's Dominions - - -	6.	U.K.
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J.

JUSTICE, to make further Provisions for the Administration of - - -	5.	E.
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K.

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L.

LAND REVENUE OF THE CROWN, for annexing the Mansion House, Gardens, and Grounds at Frogmore, Part of, to Windsor Castle - - -	2.	E.
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See COMMISSIONERS OF WOODS, &c.

LAWS. See EXPIRING LAWS.

LUNATICS. See INSANE PERSONS.

N.

NAVY (ROYAL), to alter the Act 11 Geo. IV. & 1 Gul. IV. c. 20. for amending the Laws relating to the Pay of, and the Act 4 & 5 Gul. IV. c. 25. to alter the Provisions of the said Act - - -	3.	U.K.
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P.

POOR LAW COMMISSION, to continue until 31st July 1842	10.	E.
POPULATION, to provide for Payment of the Persons employed in taking account of - - -	9.	E.

R.

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Cap. Relating to

S.

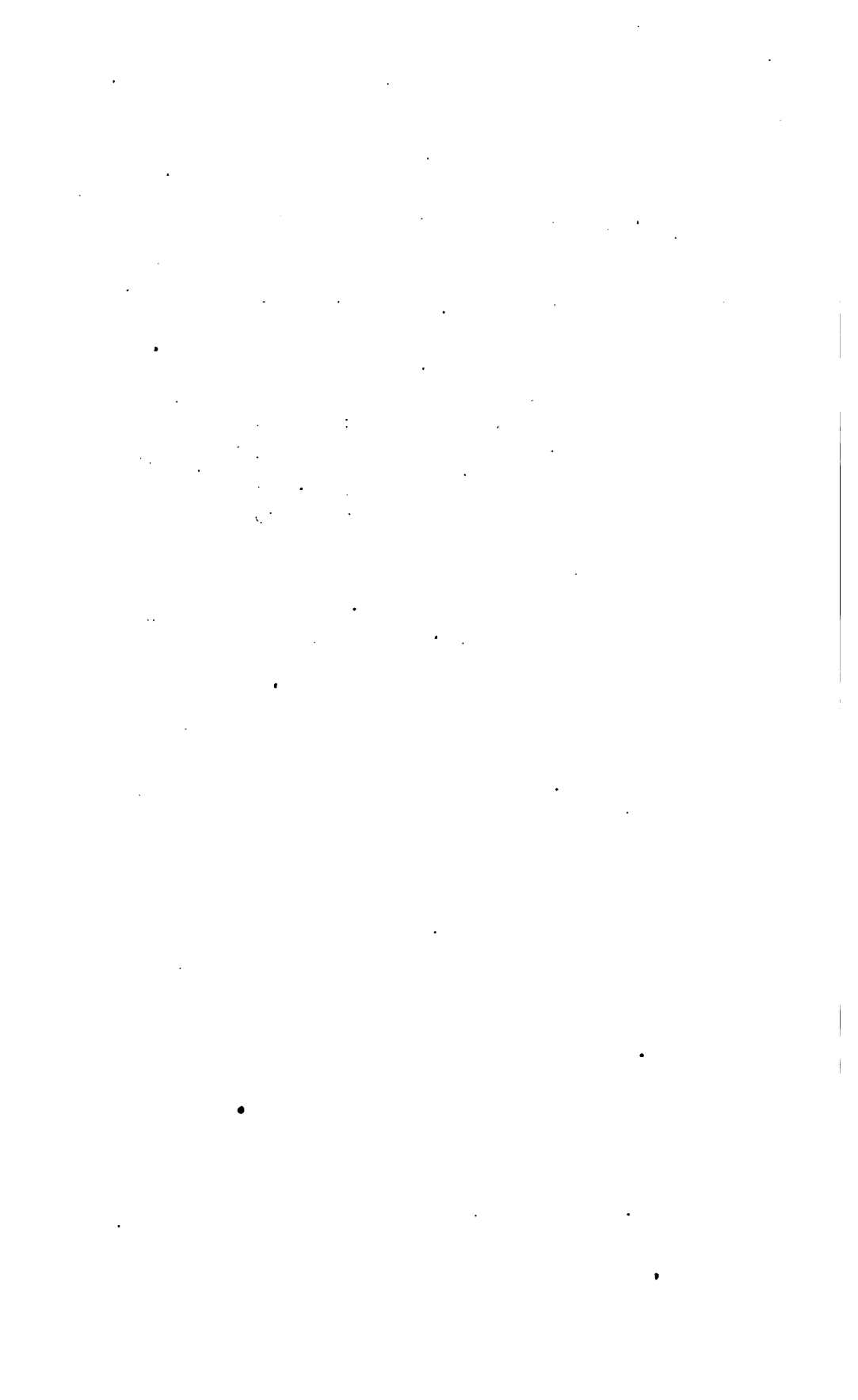
SUPPLIES, Appropriation of - - - - 11. U.K.

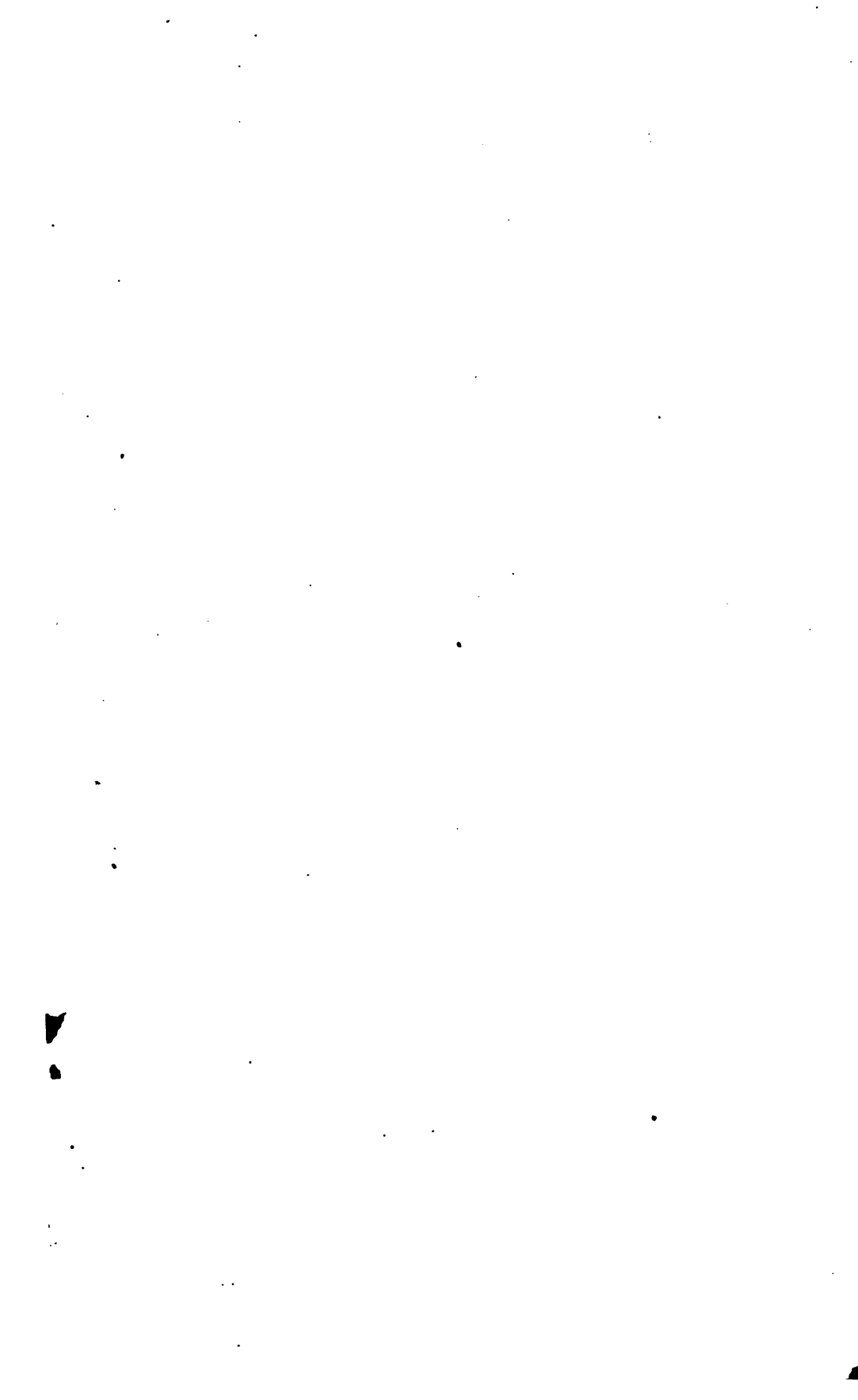
W.

WINDSOR CASTLE. *See* FROGMORE.

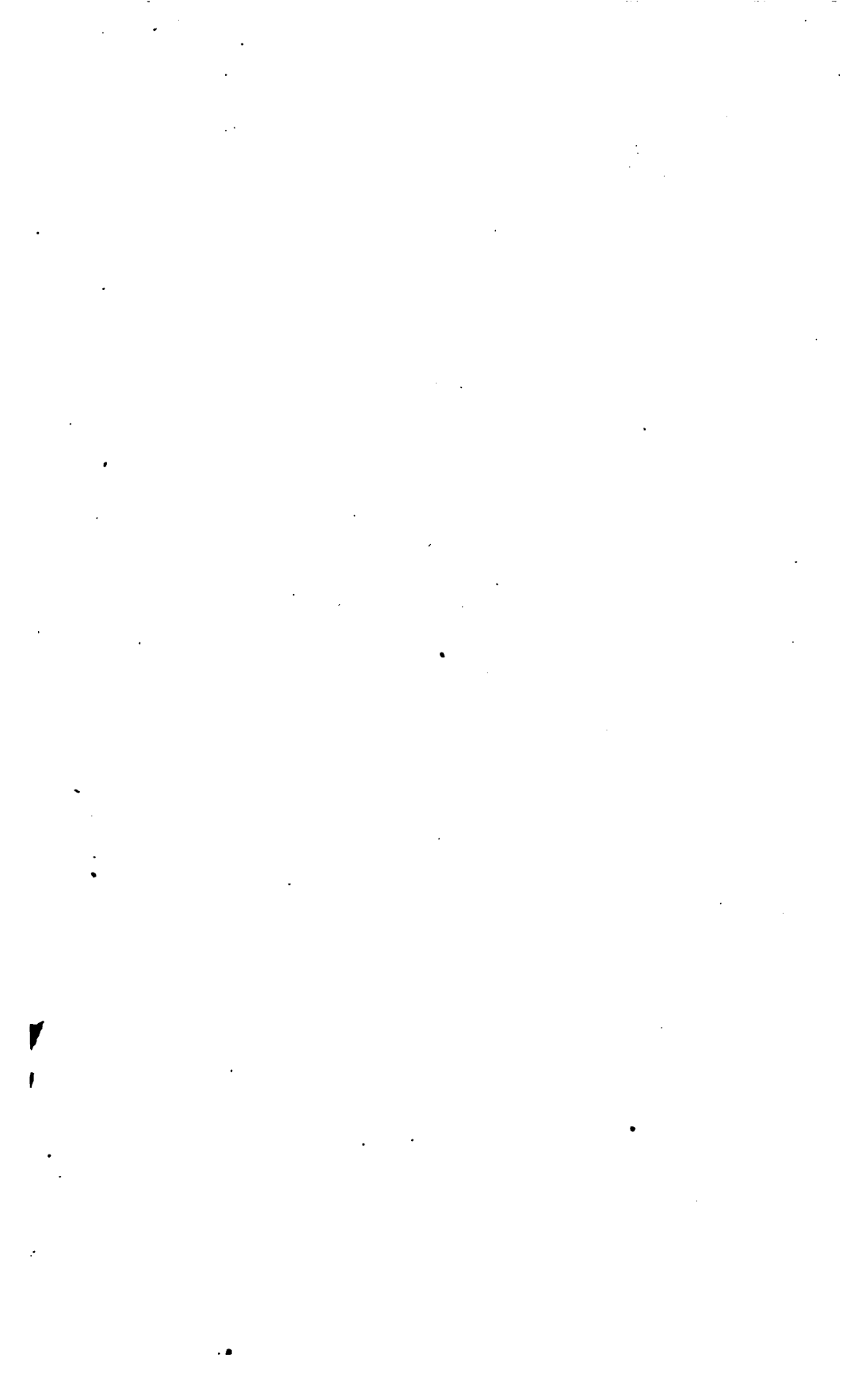
WOODS, &c., Commissioners of, authorized to grant	}	1.	E.
Building Leases of the Royal Kitchen Garden at			
Kensington, and to form and improve other Royal			
Gardens, and enabled to purchase Lands of Copy-			
hold or Customary Tenure - - - -			

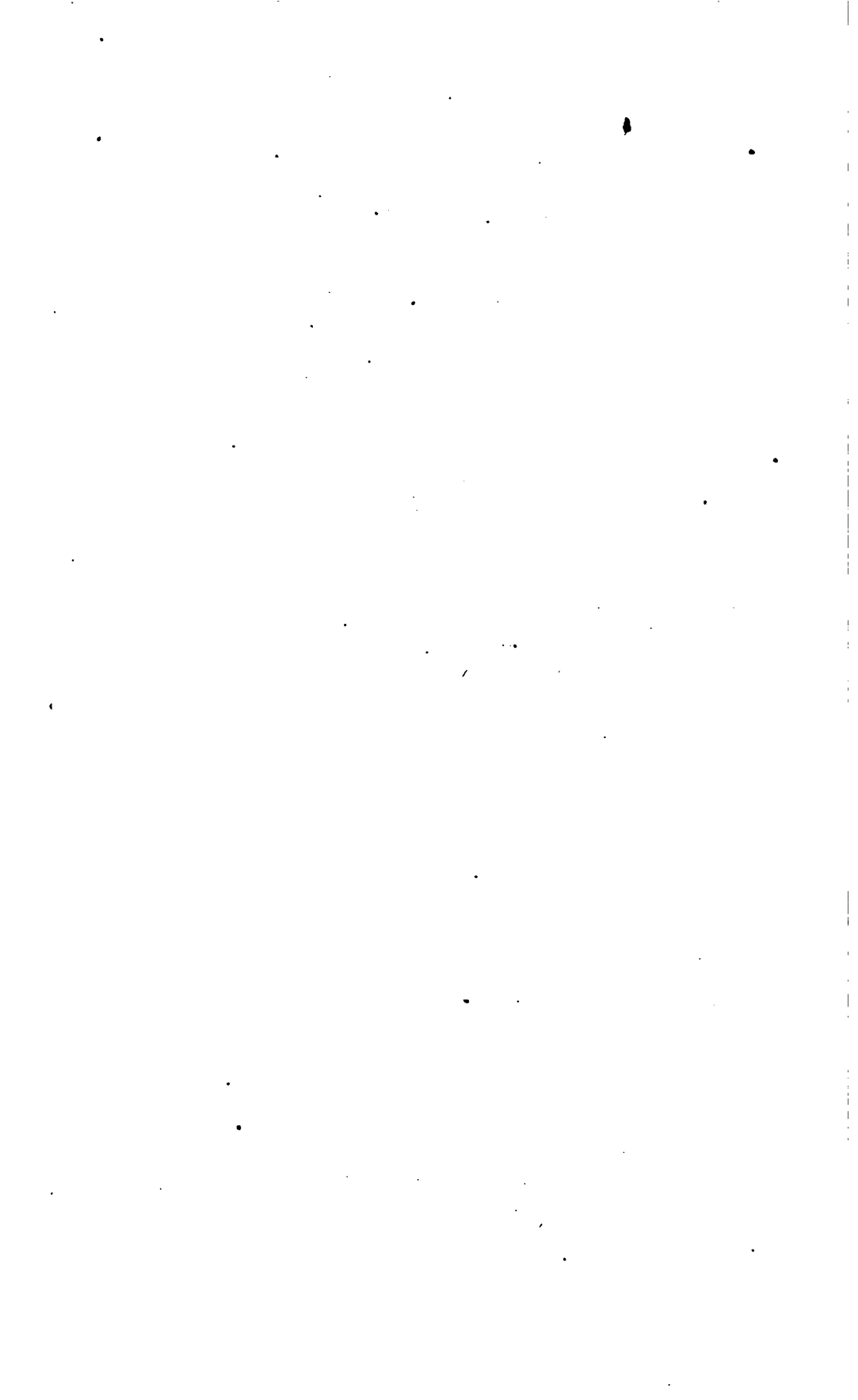
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